

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 NICHOLAS MAVIS,

4 Plaintiff,

5 vs. CIVIL ACTION NO.: 3:13-cv-30087-KPN

6 DIVERSIFIED CONSULTANTS, INC.;
7 and DOES 1-10, inclusive,

8 Defendants.

9 JAMIE DAVIS,

10 Plaintiff,

11 vs. CIVIL ACTION NO.: 1:13-cv-10875-FDS

12 DIVERSIFIED CONSULTANTS, INC.;
13 and DOES 1-10, inclusive,

14 Defendants.

15 Deposition of

16 MAVIS-ANN PYE

17 Taken on behalf of the Plaintiffs
18 Pursuant to Amended Notices of Taking Deposition

19 DATE: Friday, February 28, 2014

20 TIME: 12:15 p.m. - 3:24 p.m.

21 PLACE: Riley Reporting & Associates, Inc.
22 1660 Prudential Drive, Suite 210
23 Jacksonville, Florida 32207

24 Examination of the witness taken before:
25 Tanya L. McCranie
Registered Merit Reporter

26 RILEY REPORTING & ASSOCIATES, INC.
27 1660 Prudential Drive, Suite 210
28 Jacksonville, Florida 32207
29 (904) 358-1615 info@rileyreporting.com

<p>Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3</p> <p>4 SERGEI LEMBERG, Esquire,</p> <p>5 Lemberg & Associates, L.L.C.,</p> <p>6 1100 Summer Street</p> <p>7 Stamford, Connecticut 06905</p> <p>8 (203) 653-2250</p> <p>9 slemberg@lemborglaw.com</p> <p>10 appearing on behalf of the plaintiffs.</p> <p>11</p> <p>12 JOHN J. O'CONNOR, Esquire (telephonically),</p> <p>13 Peabody & Arnold, LLP,</p> <p>14 Federal Reserve Plaza</p> <p>15 600 Atlantic Avenue</p> <p>16 Boston, Massachusetts 32202</p> <p>17 617-951-2077</p> <p>18 joconnor@peabodyarnold.com.</p> <p>19 appearing via telephone on behalf of the</p> <p>20 defendant.</p> <p>21 - - -</p>	<p>Page 4</p> <p>1 MAVIS-ANN PYE,</p> <p>2 having been produced and first duly sworn as a witness on</p> <p>3 behalf of the plaintiffs, and after responding "I do" to</p> <p>4 the oath, testified as follows:</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MR. LEMBERG:</p> <p>7 Q Good morning, Ms. Pye.</p> <p>8 A Good morning.</p> <p>9 Q Would you please state your full name for the</p> <p>10 record.</p> <p>11 A Mavis-Ann Pye.</p> <p>12 Q My name is Sergei Lemberg. I represent two</p> <p>13 plaintiffs in two cases. The first one is Nicholas Mavis</p> <p>14 and the second one is Jamie Davis, both of which are</p> <p>15 pending in the United States District Court, Federal</p> <p>16 District Court for the District of Massachusetts.</p> <p>17 Have you ever been deposed before?</p> <p>18 A Yes, I have.</p> <p>19 Q How many times?</p> <p>20 A I would say at least seven.</p> <p>21 Q How many of the seven were personal and how</p> <p>22 many of the seven were on behalf of Diversified</p> <p>23 Consultants?</p> <p>24 A All of them on behalf of Diversified</p> <p>25 Consultants.</p>
<p>Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 Witness Page</p> <p>4 MAVIS-ANN PYE</p> <p>5 Direct Examination 4</p> <p>6</p> <p>7 - - -</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10 For Identification Page</p> <p>11 Plaintiffs' Exhibit No. 1</p> <p>12 (Deposition notice Nicholas Mavis). 7</p> <p>13 Plaintiffs' Exhibit No. 2</p> <p>14 (Deposition notice Jamie Davis). 11</p> <p>15 Plaintiffs' Exhibit No. 3</p> <p>16 (DCI printout "Pre-collection Services"). 20</p> <p>17 Plaintiffs' Exhibit No. 4</p> <p>18 (Account history Rosalee Pagan). 23</p> <p>19 Plaintiffs' Exhibit No. 5</p> <p>20 (LiveVox log (857) 312-8596). 30</p> <p>21 Plaintiffs' Exhibit No. 6</p> <p>22 (Account history Nicholas Mavis). 42</p> <p>23 Plaintiffs' Exhibit No. 7</p> <p>24 (AT&T wireless statement Nicholas Mavis). 44</p> <p>25 Plaintiffs' Exhibit No. 8</p> <p>(Dialer history (413) 777-5348). 49</p> <p>Plaintiffs' Exhibit No. 9</p> <p>(Article written by Joshua Fluegel). 68</p> <p>Plaintiffs' Exhibit No. 10</p> <p>(Defendant's Supplemental Responses re Davis). 78</p> <p>Plaintiffs' Exhibit No. 11</p> <p>(Defendant's Answers Nicholas Mavis). 94</p> <p>Plaintiffs' Exhibit No. 12</p> <p>(DCI printout "Technology"). 107</p> <p>23 - - -</p>	<p>Page 5</p> <p>1 Q When were -- do you have transcripts of these</p> <p>2 depositions available?</p> <p>3 A I'm sure I can get them.</p> <p>4 Q If you would, please, get them, provide them to</p> <p>5 Mr. O'Connor, and then ask him for him to provide them to</p> <p>6 me, I would appreciate it.</p> <p>7 MR. LEMBERG: Jack, is that okay?</p> <p>8 MR. O'CONNOR: Yeah, we're not making any</p> <p>9 representations on the record about discovery</p> <p>10 issues, Sergei. I'll be happy talk to you about</p> <p>11 that stuff off the record after we're done.</p> <p>12 MR. LEMBERG: Well, the witness testified that</p> <p>13 she would be happy to get them, and so I'm making</p> <p>14 that request.</p> <p>15 MR. O'CONNOR: Okay. I understand you're</p> <p>16 making that request, and I'll be happy to discuss it</p> <p>17 with you further.</p> <p>18 Sergei, can I -- I'm sorry to interrupt, but</p> <p>19 can I just ask you a question about procedure?</p> <p>20 MR. LEMBERG: Yes.</p> <p>21 MR. O'CONNOR: Are we doing Mavis now or Davis</p> <p>22 now or are we doing both together?</p> <p>23 MR. LEMBERG: Both together.</p> <p>24 MR. O'CONNOR: Okay.</p> <p>25 Is that okay with the court reporter?</p>

<p style="text-align: right;">Page 6</p> <p>1 THE REPORTER: Yes, that's fine.</p> <p>2 MR. O'CONNOR: Okay. Thank you.</p> <p>3 BY MR. LEMBERG:</p> <p>4 Q Let me, then, go very briefly over the ground</p> <p>5 rules of a deposition. I'm going to ask you some</p> <p>6 questions, you're going to provide some answers. I don't</p> <p>7 want you to guess. I don't want you to give me any</p> <p>8 answer that you don't know fully to be absolutely true.</p> <p>9 If I would like -- if I decide that I want you to give me</p> <p>10 an estimate, I'll ask you for an estimate. There's no</p> <p>11 head shaking, there's no humming, so all answers have to</p> <p>12 be enunciated so the reporter can take them down.</p> <p>13 Now, are you on any medications that might</p> <p>14 affect your testimony?</p> <p>15 A No.</p> <p>16 Q Why are you here today?</p> <p>17 A To be deposed as the corporate representative</p> <p>18 for Diversified Consultants.</p> <p>19 Q And you have taken an oath today, correct?</p> <p>20 A Yes.</p> <p>21 Q And what does that oath mean to you?</p> <p>22 A To tell the truth.</p> <p>23 Q And do you know what would happen if you didn't</p> <p>24 tell the truth?</p> <p>25 MR. O'CONNOR: Objection.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q And are you the person to -- designated to</p> <p>2 testify regarding defendant's policies, procedures and</p> <p>3 practices regarding obtaining and recording consent from</p> <p>4 consumers to receive automated calls to wireless numbers,</p> <p>5 the use of telephones by defendant's collectors and</p> <p>6 operators?</p> <p>7 A Yes.</p> <p>8 Q And are you, then, the person designated to</p> <p>9 testify on topic number 3?</p> <p>10 A Yes.</p> <p>11 Q I'm sorry, topic C.</p> <p>12 Are you the person designated to testify on</p> <p>13 topic D?</p> <p>14 A Yes.</p> <p>15 Q Are you the person designated to testify on</p> <p>16 topic E?</p> <p>17 A Yes.</p> <p>18 Q And are you the person designated to testify on</p> <p>19 topics F and G?</p> <p>20 A Yes.</p> <p>21 Q The notice further calls on the defendant to</p> <p>22 produce documents at the bottom. The topics are listed A</p> <p>23 through D.</p> <p>24 Would you please confirm to me that all logs,</p> <p>25 memoranda of communications and/or collection notes</p>
<p style="text-align: right;">Page 7</p> <p>1 Don't answer that.</p> <p>2 MR. LEMBERG: I'm going to mark as Plaintiffs'</p> <p>3 1 an amended notice of deposition in the Mavis</p> <p>4 case.</p> <p>5 (Plaintiffs' Exhibit No. 1 marked for identification.)</p> <p>6 BY MR. LEMBERG:</p> <p>7 Q Please take a look at this document. Have you</p> <p>8 seen -- tell me when you're done.</p> <p>9 A I'm done.</p> <p>10 Q Have you ever seen this document before?</p> <p>11 A Yes, I have.</p> <p>12 Q When was the first time you saw this</p> <p>13 document?</p> <p>14 A I do not recall the exact date.</p> <p>15 Q But you have seen it before, correct?</p> <p>16 A It looks very familiar.</p> <p>17 Q Now, the document called upon the defendant to</p> <p>18 produce a person under Federal Rule 30(b)(6) to testify</p> <p>19 concerning the following matters, and they're listed A</p> <p>20 through G, and I'm going to go through them one by one.</p> <p>21 Any and all calls placed by defendant or on</p> <p>22 defendant's behalf to telephone number (413) 777-5348.</p> <p>23 Are you the person designated to testify regarding that</p> <p>24 topic?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 9</p> <p>1 reflecting calls placed by defendant or on defendant's</p> <p>2 behalf to telephone number (413) 777-5348 have been</p> <p>3 produced.</p> <p>4 A Yes.</p> <p>5 Q And that all copies of all dialer reports</p> <p>6 and/or dialer history reflecting all calls placed to</p> <p>7 telephone number (413) 777-5348, including abandoned</p> <p>8 calls --</p> <p>9 A Yes.</p> <p>10 Q -- have been produced?</p> <p>11 A Yes.</p> <p>12 Q That all database and -- and/or system</p> <p>13 reference manuals for defendant's dialing system have</p> <p>14 been produced?</p> <p>15 A All that we have.</p> <p>16 Q Are there any manuals and/or system reference</p> <p>17 manuals that you do not -- do not have that you are aware</p> <p>18 of?</p> <p>19 A No.</p> <p>20 Q So all that you have has been produced?</p> <p>21 A Yes.</p> <p>22 Q And topic D, all campaign definition reports or</p> <p>23 similar documents for any calls placed to telephone</p> <p>24 number (413) 777-5348.</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q The campaign definition reports have been 2 produced?</p> <p>3 A I'm sorry, definition reports, what's -- I 4 don't know what that is. What -- what do you mean by 5 "campaign definition reports"?</p> <p>6 Q You don't know what a campaign definition 7 report is?</p> <p>8 A I'm not familiar with that term, no.</p> <p>9 Q Are you familiar with the operation of an 10 automatic dialing system or a dialing system?</p> <p>11 A Yes, I am.</p> <p>12 Q But you're not familiar with the words 13 "campaign definition reports"?</p> <p>14 A No.</p> <p>15 Q So you don't know what these are?</p> <p>16 A I would be guessing.</p> <p>17 Q Can you give me an answer as best as you can?</p> <p>18 A I am not 100 percent sure what those are.</p> <p>19 Q Would you please tell me what you did to 20 prepare for this deposition?</p> <p>21 A I reviewed the calls, the account history, the 22 information that we've provided and spoke with my 23 attorney.</p> <p>24 Q Did you do anything else to prepare for this 25 deposition?</p>	<p style="text-align: right;">Page 12</p> <p>1 the bottom calling on defendant to produce documents. 2 The demands are numbered A through D. Have all of these 3 documents been produced except the campaign definition 4 reports or similar documents that you don't know anything 5 about?</p> <p>6 A To my knowledge, yes.</p> <p>7 Q When you qualify "to my knowledge," what does 8 that mean to you?</p> <p>9 A I provided the information to the attorney and 10 I'm sure he produced it to you.</p> <p>11 Q Now, let me just understand. What is your 12 position at Diversified Consultants?</p> <p>13 A I'm the vice president of compliance.</p> <p>14 Q How long have you been there?</p> <p>15 A I have been with Diversified since 2005.</p> <p>16 Q Prior to that, what jobs did you hold for a 17 period longer than a year?</p> <p>18 A For Diversified?</p> <p>19 Q For anybody.</p> <p>20 A I was a compliance manager for Diversified 21 Consultants.</p> <p>22 Q For how long?</p> <p>23 A Three years.</p> <p>24 Q And before that?</p> <p>25 A I was the quality -- I was a quality</p>
<p style="text-align: right;">Page 11</p> <p>1 A I don't think so.</p> <p>2 Q Did you review any manuals with respect to 3 the system the defendant uses to dial -- to make outbound 4 telephone calls?</p> <p>5 A No.</p> <p>6 Q You did not review that manual because you have 7 seen it before and used it in your daily routines and are 8 therefore familiar with -- with how the system works?</p> <p>9 A I am familiar --</p> <p>10 MR. O'CONNOR: Object to the form.</p> <p>11 MR. LEMBERG: Okay. I'd like to show the 12 witness what will be marked as Plaintiffs' 2, the 13 second amended notice of deposition in the Davis 14 case. 15 (Plaintiffs' Exhibit No. 2 marked for identification.) 16 BY MR. LEMBERG:</p> <p>17 Q Let's just see if we can get through this piece 18 quickly. The second -- the notice of deposition in the 19 Davis case has a number of topics set out, A through G, 20 just like the prior notice. Do you see that?</p> <p>21 A I do.</p> <p>22 Q And are you the person designated by the 23 defendant to testify on all of these topics A through G?</p> <p>24 A Yes.</p> <p>25 Q The notice likewise has a document demand at</p>	<p style="text-align: right;">Page 13</p> <p>1 associate.</p> <p>2 Q At Diversified Consultants?</p> <p>3 A Yes.</p> <p>4 Q What's a -- what does a quality associate do?</p> <p>5 A They monitor calls, assist with reporting, risk 6 management.</p> <p>7 Q Prior -- so you've worked for Diversified 8 Consultants now for 15 years more or less?</p> <p>9 A No, since 2005.</p> <p>10 Q Where were you working before that?</p> <p>11 A I was a stay-at-home mother for several 12 years.</p> <p>13 Q And what other jobs have you held for longer 14 than a year?</p> <p>15 A I've worked for Citibank in their collections 16 department for --</p> <p>17 Q What was your job there?</p> <p>18 A Collections. For two years, three years, 19 something like that. And prior to that, various customer 20 service jobs.</p> <p>21 Q What is the highest level of education you 22 obtained?</p> <p>23 A Some college.</p> <p>24 Q What does "some college" mean?</p> <p>25 A I'm over halfway through my degree.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q And what degree do you anticipate obtaining?</p> <p>2 A Business management.</p> <p>3 Q So far, what classes have you taken in pursuit</p> <p>4 of that degree?</p> <p>5 A I'm not currently enrolled, but when I was</p> <p>6 enrolled, I was taking -- it's -- I've taken everything</p> <p>7 from language to math to human resource classes.</p> <p>8 Q Any classes in computer science?</p> <p>9 A No.</p> <p>10 Q Are you what one might call a geek, a person</p> <p>11 who is not formally educated in computer science, but is</p> <p>12 otherwise extremely adept at programming and using</p> <p>13 computer interfaces without having had any formal</p> <p>14 education?</p> <p>15 A I am very familiar with the computer. I'm not</p> <p>16 saying I'm very adept, but I'm very familiar with the</p> <p>17 workings of a computer.</p> <p>18 Q Have you ever taken any class, any formal</p> <p>19 classes on the operation of automatic dialing systems?</p> <p>20 A No.</p> <p>21 Q Have you attended any internal seminars in the</p> <p>22 operation of automatic dialing systems?</p> <p>23 A No.</p> <p>24 Q Have you ever reviewed any books on the</p> <p>25 operation of automatic dialing telephone systems?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Is it your daily job responsibility to manage</p> <p>2 the LiveVox system?</p> <p>3 A No.</p> <p>4 Q Is it your daily job responsibility to oversee</p> <p>5 the operation of the LiveVox system?</p> <p>6 A No.</p> <p>7 Q Is it your daily job responsibility to</p> <p>8 troubleshoot the LiveVox system if it doesn't work?</p> <p>9 A No.</p> <p>10 Q Do you agree with me that so far as you</p> <p>11 understand it, in each of these cases, there are</p> <p>12 basically two big issues, and the first being whether the</p> <p>13 defendant dialed the plaintiffs' numbers using an</p> <p>14 automatic dialing system, and the second issue being</p> <p>15 whether the defendant -- the plaintiffs consented to the</p> <p>16 use of that system by providing their number?</p> <p>17 MR. O'CONNOR: Objection to the form.</p> <p>18 THE WITNESS: I don't know what he -- he said.</p> <p>19 What did you say, Jack?</p> <p>20 MR. O'CONNOR: I just objected to the form of</p> <p>21 the question.</p> <p>22 BY MR. LEMBERG:</p> <p>23 Q You can go ahead and answer.</p> <p>24 A Yes, those are the two issues in these cases,</p> <p>25 the two major issues.</p>
<p style="text-align: right;">Page 15</p> <p>1 A I've reviewed the -- reviewed the LiveVox</p> <p>2 manual.</p> <p>3 Q Other than the LiveVox manual, have you ever</p> <p>4 reviewed anything?</p> <p>5 A No.</p> <p>6 Q Have you ever interacted with somebody at</p> <p>7 LiveVox?</p> <p>8 A Yes.</p> <p>9 Q Who do you interact with there?</p> <p>10 A There's numerous people that I interact with,</p> <p>11 but usually it's their legal counsel.</p> <p>12 Q What is the name of the legal counsel?</p> <p>13 A I believe it's Mark Malla (phonetic).</p> <p>14 Q Other than Mark, do you know the names of</p> <p>15 anybody that you interact with with LiveVox?</p> <p>16 A Michael, but I'm not sure of his last name.</p> <p>17 Q When was the last time you interacted with</p> <p>18 Michael in any way?</p> <p>19 A Last week.</p> <p>20 Q So tell me, unless I am missing something,</p> <p>21 where does your knowledge regarding the dialing system</p> <p>22 that Diversified uses comes from -- come from?</p> <p>23 A Playing with it myself and learning it, and</p> <p>24 looking at the manuals, and asking other people for</p> <p>25 assistance who have done the same thing.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q So Diversified Consultants does not deny that</p> <p>2 it called both Mavis and Davis to collect a debt,</p> <p>3 correct?</p> <p>4 MR. O'CONNOR: Objection to the form.</p> <p>5 THE WITNESS: Correct.</p> <p>6 MR. LEMBERG: What's the basis of the</p> <p>7 objection? Okay, compound. Let me rephrase.</p> <p>8 MR. O'CONNOR: Form.</p> <p>9 BY MR. LEMBERG:</p> <p>10 Q Does Diversified Consultants deny that it</p> <p>11 called the telephone number assigned to Mr. Davis?</p> <p>12 A No.</p> <p>13 MR. O'CONNOR: Objection to the form.</p> <p>14 MR. LEMBERG: What's the basis of the</p> <p>15 objection?</p> <p>16 MR. O'CONNOR: It's improper in form.</p> <p>17 MR. LEMBERG: What -- why is it improper?</p> <p>18 MR. O'CONNOR: You have to work that out for</p> <p>19 yourself, Sergei.</p> <p>20 MR. LEMBERG: Well, I'm entitled to ask you for</p> <p>21 the basis of the objection.</p> <p>22 MR. O'CONNOR: I gave it to you.</p> <p>23 MR. LEMBERG: You gave -- you repeated what you</p> <p>24 said. I'm interested in -- what is wrong with the</p> <p>25 question, Jack?</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. O'CONNOR: The question's improper in form.</p> <p>2 It assumes facts as to which there's no evidence.</p> <p>3 MR. LEMBERG: Okay.</p> <p>4 BY MR. LEMBERG:</p> <p>5 Q Does Diversified Consultants deny that it</p> <p>6 called Mr. Mavis on his cell phone number?</p> <p>7 MR. O'CONNOR: Objection to the form.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. LEMBERG:</p> <p>10 Q But Mr. -- but Diversified Consultants denies</p> <p>11 that it uses an ATSD [sic] to call those numbers,</p> <p>12 correct?</p> <p>13 A We do not have an ATDS.</p> <p>14 Q Fine.</p> <p>15 With respect to the second big topic, did</p> <p>16 Diversified Consultants have the consent of Mr. Davis to</p> <p>17 call his cell phone number?</p> <p>18 A I don't remember off the top of my head.</p> <p>19 Q And did Diversified Consultants have the</p> <p>20 consent of Mr. Mavis to call his cell phone number that</p> <p>21 it called using the system that it has?</p> <p>22 A I don't remember off the top of my head.</p> <p>23 THE WITNESS: Can we take a five-minute -- just</p> <p>24 a couple-second breather?</p> <p>25 MR. O'CONNOR: Sure.</p>	<p style="text-align: right;">Page 20</p> <p>1 A Roughly 400. It might be high.</p> <p>2 (Plaintiffs' Exhibit No. 3 marked for identification.)</p> <p>3 MR. LEMBERG: I've marked as Plaintiffs' 3 a</p> <p>4 printout from what I believe to be Diversified</p> <p>5 Consultants' Web site. The URL is</p> <p>6 dcicollect.com/services/dci-pre-collection-services.</p> <p>7 html. And I'm going to show that printout to the</p> <p>8 witness.</p> <p>9 BY MR. LEMBERG:</p> <p>10 Q Please review this document and tell me when</p> <p>11 you're ready to answer questions.</p> <p>12 A I'm ready.</p> <p>13 Q Does this document appear to be to you a</p> <p>14 printout from Diversified Consultants' Web site?</p> <p>15 A It looks like it should be, yes.</p> <p>16 Q Is it or it is not?</p> <p>17 A It appears to be, yes.</p> <p>18 Q The logo in the upper left-hand corner of page</p> <p>19 1, is that the logo of Diversified Consultants?</p> <p>20 A Yes, it is.</p> <p>21 Q And is the name "Diversified Consultants, Inc.,</p> <p>22 Dedicated to Risk Management" the name and motto of the</p> <p>23 company?</p> <p>24 A Yes, it is.</p> <p>25 Q Does this to you appear to be a page about the</p>
<p style="text-align: right;">Page 19</p> <p>1 MR. LEMBERG: Sure.</p> <p>2 (Brief recess.)</p> <p>3 BY MR. LEMBERG:</p> <p>4 Q Since we touched on the issue of a dialer, let</p> <p>5 me ask you the following questions: Does Diversified</p> <p>6 Consultants have a Web site?</p> <p>7 A Yes, we do.</p> <p>8 Q What is the name of that Web site?</p> <p>9 A The main one is www.dcicollect.com.</p> <p>10 Q And that's the Web site for DCI Collect, which</p> <p>11 is Diversified Consultant's, Inc., correct?</p> <p>12 A Yes, it is.</p> <p>13 Q How many call centers does Diversified</p> <p>14 Consultants, Inc., have?</p> <p>15 A Two.</p> <p>16 Q Where are they located?</p> <p>17 A Jacksonville, Florida, and Tualatin, Oregon.</p> <p>18 THE REPORTER: I'm sorry. Jacksonville,</p> <p>19 Florida, and?</p> <p>20 THE WITNESS: Tualatin, Oregon.</p> <p>21 BY MR. LEMBERG:</p> <p>22 Q And how many people does Diversified</p> <p>23 Consultants employ in total?</p> <p>24 A I can give you an estimate.</p> <p>25 Q Go ahead.</p>	<p style="text-align: right;">Page 21</p> <p>1 pre-collection services that the company provides?</p> <p>2 A Yes, it does.</p> <p>3 Q And if you flip the page over, the first full</p> <p>4 sentence of the second page reads: "With the flexibility</p> <p>5 available to us via our LiveVox Predictive Dialer, the</p> <p>6 exceptional functionality of Latitude Software's exciting</p> <p>7 Latitude Collection System, the high quality training and</p> <p>8 our motivated employees; DCI possess the resources to</p> <p>9 take on any -- any project regardless of the complexity</p> <p>10 or size." Do you see that?</p> <p>11 A Yes, I do.</p> <p>12 Q What do the words "our LiveVox predictive</p> <p>13 dialer" mean to you?</p> <p>14 A That it is the phone system that we use to make</p> <p>15 the calls.</p> <p>16 Q And that's the only phone system you use to</p> <p>17 make the calls, correct?</p> <p>18 A Unless it's down, yes.</p> <p>19 Q Where is that system located?</p> <p>20 A It's a cloud function.</p> <p>21 Q What do those words mean?</p> <p>22 A Meaning that it's off-site, like the cloud is</p> <p>23 kind of like the Internet. I'm not exactly sure on the</p> <p>24 terminology used for that.</p> <p>25 Q And what is LiveVox?</p>

Page 22

1 A LiveVox is a company that runs the cloud.

2 Q And your firm, Diversified Consultants, uses a

3 LiveVox predictive dialer to make outbound phone calls,

4 correct?

5 A We use a predictive dialer to make phone calls,

6 yes.

7 Q Okay. What do the words "predictive dialer"

8 mean to you?

9 A It means that we predetermine what calls we're

10 going to make and go from there. And the system -- and

11 Jamie and -- the ownership and executives decide which

12 calls are going to be loaded.

13 Q So your understanding of how a predictive

14 dialer works is, correct me if I'm wrong, Diversified

15 decides what numbers are going to be called, those

16 numbers are assembled in some sort of spreadsheet form

17 and uploaded to LiveVox, correct?

18 MR. O'CONNOR: Objection to the form.

19 THE WITNESS: We decide which numbers are going

20 to be dialed, and they are uploaded to LiveVox. I'm

21 not sure of the format they -- they go into LiveVox

22 in, but they go into LiveVox through a format.

23 BY MR. LEMBERG:

24 Q And then LiveVox makes the phone calls?

25 A Correct.

Page 23

1 Q How does LiveVox make the phone calls? However

2 you tell it to, correct?

3 A Correct.

4 Q What does the word "predictive" mean in the

5 words "LiveVox predictive dialer"?

6 MR. O'CONNOR: Objection to the form.

7 MR. LEMBERG: What is the basis?

8 MR. O'CONNOR: The question's improper in form.

9 It assumes that she wrote that thing that you're

10 reading from, Sergei.

11 MR. LEMBERG: Okay.

12 BY MR. LEMBERG:

13 Q Please answer the question.

14 A LiveVox predictive dialer, to me the word

15 "predictive" means that it's predetermined. It's -- it's

16 predetermined.

17 Q Anything else?

18 A No.

19 (Plaintiffs' Exhibit No. 4 marked for identification.)

20 MR. LEMBERG: I'd like to show the witness

21 what's been marked as Plaintiffs' 4.

22 BY MR. LEMBERG:

23 Q Please review this document and tell me when

24 you're ready.

25 MR. O'CONNOR: What is Exhibit 4?

Page 24

1 MR. LEMBERG: I'm sorry, Jack. Plaintiffs' 4

2 is the account history for Rosalee Pagan.

3 THE WITNESS: I'm ready.

4 BY MR. LEMBERG:

5 Q What is -- what is Plaintiffs' 4? Can you tell

6 me?

7 A I'm sorry. What is what?

8 Q What is this exhibit that you are looking at?

9 A It's the account history documentation.

10 Q For whom?

11 A For Rosalee Pagan.

12 Q Do you know why it was produced in either the

13 Mavis or Davis case?

14 A It would have been produced in the appropriate

15 case because the phone number associated with the lawsuit

16 is listed on this account.

17 Q And what is that phone number?

18 A I don't even know which case you're talking

19 about.

20 Q Well, I'm asking you, what is the phone number

21 that's associated with the account?

22 A There's more than one.

23 Q Okay. Well, let me help you. If I told you

24 that -- if I told you that Mr. Davis' phone number --

25 well, Jamie Davis' phone number is (857) 312-8596, would

Page 25

1 you then be able to tell me why this document was

2 produced?

3 A I guess, again, it was because on July -- I'm

4 sorry. It was because the phone number (857) 312-8596 is

5 associated with this account.

6 Q Okay. So let's see if we can get this

7 correctly. Does it appear to you, looking at this

8 account history, that Diversified Consultants received an

9 account -- a debt for collection for Rosalee Pagan on

10 July 9th, 2012?

11 A Yes.

12 Q And it proceeded to collect that debt on that

13 same day, correct?

14 A No.

15 Q When did the collection activity start?

16 A The initial attempt at communication was on

17 July 11th.

18 Q Okay. And then Diversified Consultants made an

19 inquiry with a company called Innovis to find additional

20 phone numbers for Rosalee Pagan, correct?

21 A Yes.

22 Q And that -- and that was done on July 15th,

23 2012, correct?

24 A Yes.

25 Q And Innovis is a data provider that -- that

<p style="text-align: right;">Page 26</p> <p>1 enables collectors such as Diversified Consultants to</p> <p>2 purchase location information, including phone numbers,</p> <p>3 correct, for a fee?</p> <p>4 A CBCInnovis is a skip trace service provider?</p> <p>5 Q Right.</p> <p>6 A Yes.</p> <p>7 Q You guys buy -- buy data from them, right?</p> <p>8 A Yes.</p> <p>9 Q And among the data that was provided by</p> <p>10 CBCInnovis is the phone number (857) 312-8596, correct?</p> <p>11 A Yes.</p> <p>12 Q And then on July 20th, 2012 -- strike that.</p> <p>13 On August 1st, 2012, that phone number was</p> <p>14 loaded -- was -- was first called using the LiveVox</p> <p>15 system, correct?</p> <p>16 A Every call is made through LiveVox.</p> <p>17 Q So the answer is yes, right?</p> <p>18 A Yes.</p> <p>19 Q And then the LiveVox system proceeded to call</p> <p>20 several numbers in fact for Rosalee Pagan, the 72 number</p> <p>21 and the 96 number, correct?</p> <p>22 A Yes.</p> <p>23 Q Now, am I correct in reading this chart, the</p> <p>24 user column indicates the system that is doing the work</p> <p>25 on the file, in this case on August 1st, LiveVox,</p>	<p style="text-align: right;">Page 28</p> <p>1 (857) 312-8596 consented to being called?</p> <p>2 A No.</p> <p>3 Q Have you ever had any evidence that the</p> <p>4 recipient of the phone calls to phone number</p> <p>5 (857) 312-8596 consented to being called by the LiveVox</p> <p>6 system?</p> <p>7 A No.</p> <p>8 Q Am I correct that in order to determine the</p> <p>9 number of phone calls made by the LiveVox system to the</p> <p>10 (857) 312-8596 number, I would simply go down this chart</p> <p>11 and count them one by one?</p> <p>12 A In most cases, yes.</p> <p>13 Q Unless there are additional phone calls that</p> <p>14 are made by the dialer that don't make it to this chart,</p> <p>15 correct?</p> <p>16 A No, that doesn't happen.</p> <p>17 Q Well, then, explain to me why you say "in most</p> <p>18 cases."</p> <p>19 A We had a note issue in January of 2012 -- or</p> <p>20 2013, excuse me, that was double noting the accounts.</p> <p>21 Q Do you see that issue reflected in any records</p> <p>22 here?</p> <p>23 A I'd have to look at it more closely. I do not</p> <p>24 see that issue on this account.</p> <p>25 Q Do you see any evidence here by looking at</p>
<p style="text-align: right;">Page 27</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And the comment column either is generated by</p> <p>4 the collector who is working the file or by the system,</p> <p>5 correct?</p> <p>6 A By whom -- whoever is working the file, yes.</p> <p>7 Q And so let's just look at the first call to the</p> <p>8 96 number on August 1st, 2012, 8:22 a.m. That call was</p> <p>9 made by LiveVox and the result of the phone call was a</p> <p>10 hang up, correct?</p> <p>11 A Correct.</p> <p>12 Q And the next call to that phone number was made</p> <p>13 that same day, on August 1st, by the LiveVox system, and</p> <p>14 the debtor again hung up the phone, correct, at 8:05</p> <p>15 p.m., or rather the called party hung up the phone?</p> <p>16 A Yes.</p> <p>17 Q So we're reading these things the same way.</p> <p>18 Now, is there anything here on page 1 or in any</p> <p>19 other part of this document that tells you that the</p> <p>20 recipient of these phone calls, 8 -- to the number</p> <p>21 (857) 312-8596 consented to being called by the LiveVox</p> <p>22 system?</p> <p>23 A No.</p> <p>24 Q Do you have any evidence to show that the</p> <p>25 recipient of these phone calls to the 857 number,</p>	<p style="text-align: right;">Page 29</p> <p>1 these call notes that the recipient of the phone calls to</p> <p>2 the 8596 number told you not to call this number and told</p> <p>3 you that this is a bad number?</p> <p>4 A On November 15th, 2012, we spoke to somebody</p> <p>5 and they informed us it was the wrong number.</p> <p>6 Q And what did Diversified Consultants, Inc., do</p> <p>7 after being told that this number is a bad number for the</p> <p>8 debtor that it was looking for?</p> <p>9 A Since we were told that it was the wrong number</p> <p>10 for the consumer, we went ahead and removed the number.</p> <p>11 Q And what day did you remove the number?</p> <p>12 A November 15th.</p> <p>13 Q Did Diversified Consultants make any additional</p> <p>14 phone calls to the 8596 number after being told it was a</p> <p>15 bad number?</p> <p>16 A I'm unable to determine that from this.</p> <p>17 Q Was there a phone call made to that number at</p> <p>18 2:42 p.m.?</p> <p>19 A I'm unable to determine if that's an inbound or</p> <p>20 an outbound.</p> <p>21 Q What would tell you whether a phone call is</p> <p>22 inbound or outbound?</p> <p>23 A The call logs from LiveVox.</p> <p>24 Q Is there anything different from -- about this</p> <p>25 notation than from any other notation reflecting calls by</p>

Page 30

1 the LiveVox system?

2 A Inbound and outbound are documented the same

3 way by LiveVox, so no.

4 Q How do you know that the number was removed on

5 the 15th of November?

6 A Because C098 removed the number. It --

7 THE REPORTER: I'm sorry. Because?

8 THE WITNESS: C098.

9 BY MR. LEMBERG:

10 Q And what is C098?

11 A C098 is the user name -- user number for the

12 collector who took the call and removed the number.

13 Q You said you were unable to determine

14 whether -- when the number was removed without looking at

15 the call -- the dialer notes.

16 MR. LEMBERG: I'd like to mark this as

17 Plaintiffs' 5.

18 (Plaintiffs' Exhibit No. 5 marked for identification.)

19 BY MR. LEMBERG:

20 Q Please take a look at this document.

21 MR. O'CONNOR: What is it, Sergei?

22 MR. LEMBERG: That's the -- the summary of the

23 dialer notes.

24 THE WITNESS: Okay.

25 BY MR. O'CONNOR:

Page 31

1 Q Do you -- can you tell me what Plaintiffs' 5

2 is?

3 A This is the call recording log for -- from

4 LiveVox system.

5 Q What does that mean?

6 A It's a list of every call that LiveVox made to

7 the specific number requested on specific dates and

8 times.

9 Q And how does Plaintiffs' 5 correspond to

10 Plaintiffs' 4?

11 A If you have a call on the call log, it will

12 appear on the account history as well.

13 Q I'd like for you to please help me out with

14 the column headings in this chart. "Call Center" means

15 the call center to which the phone calls would be routed

16 if someone picked up, correct?

17 A That's the call center that the call is headed

18 to, yes.

19 Q So the LiveVox system is making the call, and

20 if somebody picks up, the call would be routed to DCI

21 Jacksonville, correct?

22 A I don't know if routed is the right word, but

23 it would be -- a Jacksonville representative would take

24 the call.

25 Q So what is the right word?

Page 32

1 A I don't know what the right word would be.

2 Q How about sent?

3 MR. O'CONNOR: Objection to the form.

4 THE WITNESS: I think there's -- I don't know

5 how to explain that.

6 BY MR. LEMBERG:

7 Q What does the column "Skill" mean?

8 A The skill is the client that it's assigned

9 to.

10 Q What does that mean?

11 A Like that one's assigned to T-Mobile/Sprint, so

12 all of our T-Mobile/Sprint collectors would be eligible

13 for an inbound call or an outbound call.

14 Q And what does the column "Name" mean?

15 A It's the name of the consumer we're attempting

16 to reach.

17 Q And what does the column "Account" mean?

18 A It's Diversified's file number.

19 Q Column "Agent"?

20 A That would be if the call connected with the

21 representative, the representative that worked the

22 account.

23 Q Column "Date"?

24 A That's the date of the call.

25 Q And "Start" and "End" show the start and end

Page 33

1 times of the call, correct?

2 A Correct.

3 Q Now, what does the column "Campaign" mean?

4 A I'm really not sure. I would imagine that's

5 the terminology that Jamie uses to upload the calls that

6 are going to be made that day.

7 Q So that's the name of the CSV file containing

8 the phone numbers which had the number that was called on

9 that day, right?

10 A I don't know what CSV file is.

11 Q Well --

12 MR. LEMBERG: Jack, I have an issue here and

13 I'd like to alert you to this issue. Rule 30(b)(6)

14 requires the defendant to designate a knowledgeable

15 and prepared witness. It seems to me on the dialer

16 issue this witness doesn't -- doesn't know the

17 basics, and in fact appears to know less than I.

18 I'm going to try to make a go of this

19 deposition since I flew here to Florida, but we may

20 be looking for DCI to produce a knowledgeable

21 witness in our office as soon as possible. Because

22 it appears to me that if the witness doesn't know

23 what a campaign definition report is and doesn't

24 know what a CSV file is, I have a hard time

25 believing that she is the person that should be

<p style="text-align: right;">Page 34</p> <p>1 answering questions about the dialer. What do you</p> <p>2 have to say about that?</p> <p>3 MR. O'CONNOR: Well, we have a respectful</p> <p>4 disagreement, and you're certainly entitled to make</p> <p>5 whatever record you want to make.</p> <p>6 BY MR. LEMBERG:</p> <p>7 Q So can you tell me what the CSV file is?</p> <p>8 A I don't know what a CSV is.</p> <p>9 Q Do you know what the master tnums file</p> <p>10 underscore test underscore 08-01-2012 underscore ts</p> <p>11 underscore July csv stand for?</p> <p>12 A I don't know the specific type of file a CSV</p> <p>13 is, but the CSV is a file type. And the rest of it would</p> <p>14 be the name that Mr. Sullivan named the file to upload.</p> <p>15 Q Do the words "comma-separated values" mean</p> <p>16 anything to you?</p> <p>17 A I'm not familiar with that term.</p> <p>18 Q Do you recognize them as having any</p> <p>19 relationship to the document that you're looking at?</p> <p>20 A Comma-separated values would be the CSV</p> <p>21 definition most likely, or the acronym.</p> <p>22 Q But you don't know what -- the actual program</p> <p>23 that generates that file, whether it's Excel or TEXT or</p> <p>24 anything else?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 36</p> <p>1 call is 12 seconds.</p> <p>2 Q But this person called back from their number</p> <p>3 to the number that called them, true?</p> <p>4 A And did not speak with us, correct.</p> <p>5 Q Any other inbound calls or connections on page</p> <p>6 2?</p> <p>7 A Yes, September 5th.</p> <p>8 Q What happened on that call?</p> <p>9 A It is three seconds long, and no agent spoke to</p> <p>10 it.</p> <p>11 Q How about on page 3?</p> <p>12 A I do not see any on page 3.</p> <p>13 Q What about on page 4?</p> <p>14 A There are three of them on page 4, November</p> <p>15 15th, all three of them, and they spoke to a</p> <p>16 representative each time.</p> <p>17 Q And when was the last time they spoke to a</p> <p>18 representative?</p> <p>19 A At 2:43 on November 13th -- November 15th,</p> <p>20 2012.</p> <p>21 Q So -- and can you tell me -- can you now</p> <p>22 connect these calls on page 3, where the person spoke</p> <p>23 with a representative, with the account history that we</p> <p>24 looked together -- looked at together briefly a few</p> <p>25 minutes ago? At 2:43 it seems to me there is -- there is</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Word? You don't? Okay.</p> <p>2 What about "Caller ID," what does that mean?</p> <p>3 A That's the number that is appearing on the</p> <p>4 consumer's caller ID.</p> <p>5 Q And the "Outcome"?</p> <p>6 A That's the outcome of the call.</p> <p>7 Q Now, if I go -- then instead of looking at</p> <p>8 columns, if I go by rows, each row reflects a phone call</p> <p>9 made to the 8596 number, correct?</p> <p>10 A Yes.</p> <p>11 Q By the LiveVox system, correct?</p> <p>12 A There could also be inbound calls on here.</p> <p>13 Q And what -- do you see any inbound calls on</p> <p>14 here?</p> <p>15 A I do.</p> <p>16 Q Show me an inbound call.</p> <p>17 A The last line on page 1 says, "T-Mobile</p> <p>18 underscore Sprint underscore IB," for inbound.</p> <p>19 Q So the person from this number called inbound</p> <p>20 and was transferred to an operator, correct?</p> <p>21 A Did not connect, but yes.</p> <p>22 Q When you say "did not connect," what do you</p> <p>23 base that on?</p> <p>24 A There are several factors here. The agent --</p> <p>25 there's no agent number, and the length of time of the</p>	<p style="text-align: right;">Page 37</p> <p>1 a live call you just testified where the person</p> <p>2 connected, correct?</p> <p>3 A There was a connected call at 2:42, 2:43 and</p> <p>4 again at 2:43, yes.</p> <p>5 Q And then does the account history not show that</p> <p>6 your system dialed this 8596 number again at 3:29 p.m.?</p> <p>7 A It would have been loaded already, yes.</p> <p>8 Q Do you know how this document came to be</p> <p>9 produced in this litigation?</p> <p>10 A Yes, I went to the LiveVox system and typed the</p> <p>11 information and requested for the document.</p> <p>12 Q And what did it give you?</p> <p>13 A Gave me this exact information in a PDF</p> <p>14 format.</p> <p>15 Q So there's a record of these phone calls being</p> <p>16 made in the LiveVox system, correct?</p> <p>17 A Yes.</p> <p>18 Q Which is what enabled you to create this</p> <p>19 Exhibit 5, correct?</p> <p>20 A Yes.</p> <p>21 Q So that system stores the information that had</p> <p>22 been uploaded to it by Diversified Consultants,</p> <p>23 correct?</p> <p>24 A I don't understand.</p> <p>25 Q Well, if the information that allowed these</p>

<p style="text-align: right;">Page 38</p> <p>1 phone calls had been deleted and eliminated from that 2 system, you would not have been able to produce this 3 dialer history that you produced, correct? 4 A It keeps a history of what we do, yes. 5 Q But the information is there, you just need to 6 pull it out, right? 7 A It's a history. 8 Q But it's a history of what, of the phone calls 9 being made, right? 10 A Of previous actions that were done, yes. 11 Q And that history is stored on the -- on the 12 LiveVox server, correct? 13 A I'm not sure -- 14 MR. O'CONNOR: Object to the form. 15 THE WITNESS: I'm not sure where -- how it's 16 stored. 17 BY MR. LEMBERG: 18 Q Well, speaking of LiveVox, you're here to talk 19 about it, you referred to it as the cloud. Can you 20 explain to me -- is it a computer? 21 A No. 22 Q What is it? 23 A It's a software program or -- not a program, 24 excuse me. I don't know the exact terminology, but it's 25 a cloud-based program.</p>	<p style="text-align: right;">Page 40</p> <p>1 technical. The terminology is not there. But a 2 computer, like a personal computer is not meant to run 3 programs in -- in a large number base like a server does. 4 The server stores the information. It -- it runs the 5 processes for the computer. 6 Q I think -- whatever LiveVox is, you and I don't 7 have to agree on what it is, I think you and I can agree 8 that it's probably run on a server, correct? 9 MR. O'CONNOR: Objection to the form. 10 Don't answer that, Mavis. 11 MR. LEMBERG: What's the basis of the 12 instruction not to answer? 13 MR. O'CONNOR: She works for DCI. We're here 14 to testify on behalf of DCI, Sergei. She's not 15 LiveVox. 16 BY MR. LEMBERG: 17 Q Please answer the question if you can. 18 MR. O'CONNOR: Mavis, don't answer the 19 question. 20 Move to the next issue, please, Sergei. 21 MR. LEMBERG: I will not accept that. 22 Mr. O'Connor, you are interrupting the -- 23 BY MR. LEMBERG: 24 Q Will you follow Mr. O'Connor's advice, yes or 25 no?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q Does that cloud-based program run on a 2 server? 3 A Yes. 4 Q A computer server? 5 A I honestly don't know. 6 Q What -- what else could it run on? 7 A I don't know. 8 MR. O'CONNOR: Objection to the form. 9 THE WITNESS: I don't know the exact -- 10 BY MR. LEMBERG: 11 Q Have you ever -- okay. 12 You don't know what it runs on. But do you 13 know whether it runs on a computer, yes or no? 14 A Does it run on our computer? 15 Q Does it run on a computer? 16 A Yes. 17 Q Of course. Does it run on a big computer or a 18 small computer? 19 A I haven't actually seen the computer it runs 20 on. 21 Q Do you know the difference between a computer 22 and a server? 23 A Yes. 24 Q What's the difference? 25 A The servers are rather large. Again, I'm not</p>	<p style="text-align: right;">Page 41</p> <p>1 A Yes. 2 MR. LEMBERG: Okay. Mr. O'Connor, I will 3 advise you that this is an improper objection to the 4 federal rules. The witness is not being abused, and 5 I'm not asking her about anything privileged. She's 6 here to talk about LiveVox. I'm asking her a 7 question -- I'm asking her to confirm to me that it 8 runs on a server. Your instruction is improper, and 9 I will ask the question again. 10 BY MR. LEMBERG: 11 Q Do you know whether the LiveVox system runs on 12 a server? 13 MR. O'CONNOR: She already testified she does 14 not know the answer to that, Sergei. She said that 15 about three times. 16 MR. LEMBERG: Okay. Well, I reserve all of my 17 rights to seek sanctions and the redeposition of 18 Diversified on the LiveVox issue. 19 Since I am here, I will proceed to figure out 20 what this witness knows or doesn't know. But I -- 21 my position is -- is clear that there is not a 22 knowledgeable witness here on the dialer issue, that 23 the witness is -- in fact does not have the 24 requisite technical knowledge or preparation to be 25 able to testify here today.</p>

Page 42

1 Let's mark this as -- this is 6.
 2 (Plaintiff's Exhibit No. 6 marked for identification.)
 3 MR. LEMBERG: I placed in front of the witness
 4 what's been marked as Plaintiffs' 6. It's the
 5 account history for AT&T Mobility.
 6 BY MR. LEMBERG:
 7 Q Ms. Pye, would you please take a look at this
 8 document.
 9 A Okay.
 10 Q Have you ever seen this Plaintiffs' 6 before?
 11 A Yes, I have.
 12 Q Can you please tell me what it is.
 13 A It's the account history for Nicholas Mavis.
 14 Q And the account history, like the prior account
 15 history, is generated from the computers of Diversified
 16 Consultants, correct?
 17 A It's generated from our -- I generated it from
 18 our Latitude system or Latitude software.
 19 Q And these records are kept in the ordinary
 20 course of business, correct?
 21 A Of course, yes.
 22 Q Now, does this to you appear to be the account
 23 notes for the collection of Nicholas Mavis' AT&T account,
 24 correct?
 25 A Yes, it does.

Page 43

1 Q Can you tell me what number Mr. Mavis had when
 2 he defaulted on this loan -- on this account?
 3 A Not from this, no.
 4 Q Can you tell me how -- on what date Diversified
 5 got Mr. Mavis' -- Mr. Mavis' account for collection?
 6 A This account was received by Diversified on
 7 March 20th, 2013.
 8 Q And what's the next thing that happened on this
 9 account?
 10 A We requested a TransUnion service on it.
 11 THE REPORTER: You requested?
 12 THE WITNESS: A TransUnion service.
 13 BY MR. LEMBERG:
 14 Q And what -- what is TransUnion?
 15 A It's a skip trace program, a skip trace
 16 vendor.
 17 Q Like CBCInnovis, right?
 18 A Similar, yes.
 19 Q So you requested a number to call -- there's
 20 information about this debtor, including a number to call
 21 him?
 22 A We requested information on the consumer
 23 location information, yes.
 24 Q And TransUnion gave Diversified Consultants
 25 this number (413) 454-8957, correct?

Page 44

1 A Correct.
 2 Q You can't tell looking at these collection
 3 notes whether this number actually came from the
 4 creditor, can you?
 5 A No.
 6 Q What would enable you to tell me that?
 7 A I believe I'd have to send an e-mail to our VP
 8 of client relations and ask her, and she would contact
 9 AT&T.
 10 MR. LEMBERG: Mark this as Plaintiffs' 7.
 11 (Plaintiffs' Exhibit No. 7 marked for identification.)
 12 BY MR. LEMBERG:
 13 Q I've placed before you a document that's been
 14 produced in this litigation marked as Plaintiffs' 7.
 15 It's the AT&T wireless statement for Nicholas Mavis,
 16 phone number (413) 388-7469. Do you see that?
 17 A I don't see the phone number. Where is that
 18 at? Oh, yes, I see it.
 19 Q Do you know why this statement was produced in
 20 this case?
 21 A No.
 22 Q Is this the account that Diversified
 23 Consultants was collecting for AT&T?
 24 A Yes, it is.
 25 Q So let's just be clear, looking at the Mavis

Page 45

1 account history and what we now see as the AT&T wireless
 2 statement, the account Diversified Consultants was
 3 collecting for AT&T is for the phone number
 4 (413) 388-7469, correct?
 5 A That is the phone number, at least what's on
 6 the account.
 7 Q Are there others?
 8 A I don't know. I'm checking.
 9 I'm not sure if there were or not.
 10 Q Do you see any other -- feel free to look at 6,
 11 7 or any other documents that are on the table in front
 12 of you. And based on your review, please tell me whether
 13 there are any numbers associated with Mr. Mavis that --
 14 for which AT&T asked Diversified Consultants to collect
 15 this debt.
 16 A I'm sorry. Can you please rephrase that?
 17 Q Well, what I'm trying to figure out is, the
 18 account number, the AT&T -- the account number on the
 19 AT&T statement and the account number in the account
 20 history are the same, correct?
 21 A Our -- our account number is -- well, our
 22 file -- our account ID is not, but the account number is
 23 the same.
 24 Q The account number is the same. The only phone
 25 number that I can see on the -- on Plaintiffs' 7, the

Page 46

1 AT&T statement, associated with this account is the 7469
2 number, right?

3 A I think there's pages missing from this.

4 Q Which page is missing?

5 A Page 2 of 3.

6 Q Well, this was produced by the defendant. This
7 was not produced by us.

8 A Unless it's just out of order. Hang on.
9 They're out of order.

10 Q Okay. Please feel free to reorder them.

11 MR. LEMBERG: Let the record reflect that
12 Plaintiffs' 7 is being reordered to reflect correct
13 pagination.

14 BY MR. LEMBERG:

15 Q Please tell me when you're ready.

16 A I think I'm ready.

17 Q Now, that you've reordered the pages, do you
18 see any numbers other than the 7469 number associated
19 with Mr. Mavis' account?

20 A I do not.

21 Q Is there any record that you can see by looking
22 at Plaintiffs' 6 and Plaintiffs' 7 that shows that the
23 phone number (413) 454-8957 was provided to Diversified
24 Consultants by AT&T?

25 A No.

Page 47

1 Q Because in fact it was provided by TransUnion,
2 correct?

3 A Correct.

4 Q Is there anything in these Exhibits 6 and 7
5 that reflects Mr. Mavis' consent for your company to call
6 him using -- strike that.

7 Is there anything in Plaintiffs' 6 and 7 that
8 shows that your company had the consent to call Mr. Mavis
9 in any way on the (413) 454-8957 number provided to you
10 by TransUnion?

11 A Give me one second to review real quick.
12 Can you repeat the question for me one more
13 time?

14 Q Is there any evidence of consent here to call
15 the 8957 number?

16 A No.

17 Q Is there any evidence of consent that you're
18 aware of to call the 8957 number?

19 A Yes.

20 Q And what is that evidence?

21 A His contract he originally signed with AT&T.

22 Q And where is that contract?

23 A It may have been done electronically. I don't
24 know.

25 Q And what does that contract say?

Page 48

1 A There's terminology in there allowing for
2 collection agencies to contact them with their delinquent
3 bills.

4 Q Are you aware of -- has that contract been
5 produced in this litigation?

6 A I'm not sure.

7 Q Have you ever seen the contract?

8 A I have.

9 Q Have you ever seen Mr. Mavis' contract?

10 A Not specifically to my knowledge, no.

11 MR. LEMBERG: I'm going to make a request for
12 Mr. Mavis' contract to the extent that defendant has
13 it.

14 BY MR. LEMBERG:

15 Q But there's no evidence of consent in these
16 documents 6 and 7, correct?

17 A Correct.

18 Q Now, looking at the account history, back to
19 Plaintiffs' 6, when was the first time you were told --
20 let me see -- strike that.

21 On April 30th, 2013, there is a notation saying
22 "bad number." What does that mean to you?

23 A That is my assistant Cheryl, and she removed
24 the number from the account.

25 Q How do you know that?

Page 49

1 A How do I know she removed the number?

2 Q Uh-huh.

3 A Because it says "bad number."

4 Q You can't tell looking at the account notes how
5 many times the number had been dialed prior to its
6 removal, correct?

7 A You should be able to.

8 Q Would you need the dialer history for that?

9 A To verify, yes.

10 MR. LEMBERG: Well, I'm going to mark as
11 Plaintiffs' 9 the dialer history for the 5348
12 number.

13 THE REPORTER: It would be 8, Plaintiffs' 8,
14 not --

15 MR. LEMBERG: Yes. Plaintiffs' 8, I'm sorry.
16 (Plaintiffs' Exhibit No. 8 marked for identification.)

17 BY MR. LEMBERG:

18 Q Tell me when you're ready.

19 A I'm ready.

20 Q So this is a dialer history that was created
21 the same way as the dialer history we talked about on the
22 Davis case, correct?

23 A Yes.

24 Q And looking at this dialer history, it is to be
25 interpreted the same way as -- as the Davis account

<p style="text-align: right;">Page 50</p> <p>1 history, correct?</p> <p>2 A Yes.</p> <p>3 Q The columns are all -- are the same I see; am I</p> <p>4 correct?</p> <p>5 A Correct.</p> <p>6 Q And each row reflects an outbound call placed</p> <p>7 by the LiveVox system, correct?</p> <p>8 A Or an inbound call.</p> <p>9 Q Or an inbound call. And what is the first time</p> <p>10 you see an out- -- inbound call on this account?</p> <p>11 A March 25th at 11 -- I'm sorry -- 11:11:55 a.m.</p> <p>12 Q And all the other calls the dialer called</p> <p>13 except the manual call on March 28th, correct?</p> <p>14 A There is an inbound call on March 30th.</p> <p>15 There's a manual on April 1st -- actually two, April 2nd,</p> <p>16 April 2nd, April 3rd --</p> <p>17 Q Hold on. How can you tell --</p> <p>18 A QC.</p> <p>19 Q How can you tell looking at these that these</p> <p>20 are manual calls?</p> <p>21 A Because it says QC instead of RPC.</p> <p>22 Q In which column?</p> <p>23 A In the skill.</p> <p>24 Q And what do the words "QC" stand for?</p> <p>25 A Quick connect.</p>	<p style="text-align: right;">Page 52</p> <p>1 A Every call that Diversified makes is done</p> <p>2 through LiveVox.</p> <p>3 Q Okay.</p> <p>4 A So the -- I don't know what you would exclude</p> <p>5 unless you're not counting LiveVox.</p> <p>6 Q Okay. On this page -- on this page 1, these</p> <p>7 are all calls made by LiveVox, correct?</p> <p>8 A Minus an inbound call from March 25th.</p> <p>9 Q Minus the inbound call from March 25th. Okay.</p> <p>10 So this -- on page 2?</p> <p>11 A March 30th there's an inbound call.</p> <p>12 Q On page 3?</p> <p>13 A Page 3 I do not see any inbound calls.</p> <p>14 Q Page 4?</p> <p>15 A I do not see any inbound calls.</p> <p>16 Q Page 5?</p> <p>17 A I do not see any inbound calls.</p> <p>18 Q So excluding these two inbound calls, the rest</p> <p>19 are outbound calls made -- being made with LiveVox,</p> <p>20 correct?</p> <p>21 A Being made utilizing LiveVox, yes.</p> <p>22 Q Okay. And the same applies when we were</p> <p>23 looking at the -- at the Davis account dialer log,</p> <p>24 correct?</p> <p>25 A The call log for Davis?</p>
<p style="text-align: right;">Page 51</p> <p>1 Q And what does quick connect -- what is quick</p> <p>2 connect?</p> <p>3 A It's a quick connector call.</p> <p>4 Q What is that -- what is the system that is</p> <p>5 being used to make the call?</p> <p>6 A We still use LiveVox for every call we make:</p> <p>7 manual, inbound, outbound, quick connect, RPC.</p> <p>8 Q So these QC calls that you are talking about</p> <p>9 are still used -- used through the LiveVox system that</p> <p>10 you folks use, correct?</p> <p>11 A Yes.</p> <p>12 Q That's how they're made, through the LiveVox,</p> <p>13 right?</p> <p>14 A Every call that's placed or received at</p> <p>15 Diversified Consultants for a collector to a consumer is</p> <p>16 used through LiveVox.</p> <p>17 Q When did -- and so if I were to try to count</p> <p>18 the number of calls that Diversified made to this 5348</p> <p>19 number through the LiveVox system, I would go down the</p> <p>20 list and count them up, correct, excluding the manual</p> <p>21 calls and the inbound calls, correct?</p> <p>22 A Every call that we made? Well, manual calls</p> <p>23 are made through LiveVox, too.</p> <p>24 Q Ah. So those have to be included. So what</p> <p>25 would I exclude?</p>	<p style="text-align: right;">Page 53</p> <p>1 Q All -- all calls except inbound calls are</p> <p>2 dialer calls, right?</p> <p>3 A They're not dialer calls. They're calls made</p> <p>4 through LiveVox.</p> <p>5 Q Okay. Now, last question on Plaintiffs' 8. Do</p> <p>6 you see on the campaign -- in the campaign column the</p> <p>7 files have -- the file names have the word "blast" in</p> <p>8 them. Do you see that?</p> <p>9 A I do.</p> <p>10 Q What do the words "ERC" or "ERC blast" mean?</p> <p>11 A I'm not exactly sure what it means.</p> <p>12 Q What does the word "blast" mean to you</p> <p>13 A ERC blast would be -- ERC is our competitor.</p> <p>14 So it's a tease for them, to tease them.</p> <p>15 Q Tell me, what does that mean. How are you</p> <p>16 teasing them?</p> <p>17 A Well, it's like -- I don't know how to explain</p> <p>18 that. It's just a -- it's something -- just however he</p> <p>19 named it. It's not --</p> <p>20 Q Is it the -- why would the competitor's name be</p> <p>21 in a file name uploaded by a he to LiveVox?</p> <p>22 A Why not?</p> <p>23 Q I'm not sure what the context is. What do you</p> <p>24 think he's meaning to do here? Why is he naming these --</p> <p>25 A He was probably told that ERC is beating us</p>

<p style="text-align: right;">Page 54</p> <p>1 this month and we need to find out -- find out what we 2 can do different. I mean, it's just --</p> <p>3 Q So this is, the ERC blast, ERC is beating you 4 this month, you've got to make more phone calls, right?</p> <p>5 A No, not make more phone calls, beat ERC.</p> <p>6 Q How would you beat ERC by naming the file this 7 way?</p> <p>8 A It doesn't matter what the file is named.</p> <p>9 Q Is ERC collecting the same accounts as -- as 10 Diversified?</p> <p>11 A Not the same exact accounts.</p> <p>12 Q Uh-huh. And what does the word "blast" mean?</p> <p>13 A I don't know what he meant by that.</p> <p>14 Q Well, what did --</p> <p>15 A I didn't make the campaign.</p> <p>16 Q Okay. But tell me what it means to you.</p> <p>17 A It means Jamie's being a joke. I don't know 18 what it means.</p> <p>19 Q Does the word "blast" mean make a bunch of 20 calls at one time?</p> <p>21 A No. To me -- I don't know. I don't --</p> <p>22 Q Tell me how you understand the word "blast" in 23 English.</p> <p>24 A To me blast means having a good time. It 25 doesn't mean blast. I mean --</p>	<p style="text-align: right;">Page 56</p> <p>1 What are the facets -- the facets for which DCI uses 2 LiveVox?</p> <p>3 A I don't know every one of them.</p> <p>4 Q Let's start with the first one and see if -- 5 how many we can make.</p> <p>6 A Every call is recorded.</p> <p>7 Q Every call is recorded. Okay. What else?</p> <p>8 A There's a record of every call made.</p> <p>9 Q What else?</p> <p>10 A Better time management.</p> <p>11 Q What else?</p> <p>12 A It allows us to track our collectors better.</p> <p>13 Q Okay. What else?</p> <p>14 A It's efficient. It's a good company.</p> <p>15 Q What else?</p> <p>16 A It doesn't break down.</p> <p>17 Q What else?</p> <p>18 A I -- I don't know what you're looking for, but 19 that's the main factors. I'm sure price has something to 20 do with it, too, but ...</p> <p>21 Q So as I understand it, LiveVox -- from you, 22 LiveVox is somewhere out there in the cloud making phone 23 calls, right?</p> <p>24 A LiveVox is facilitating the phone calls, 25 right.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q Ah. So this is -- this is -- this is named to 2 reflect that Diversified is having a good time calling --</p> <p>3 A No, it's not.</p> <p>4 Q -- these folks? I'm telling you, I'm just 5 looking to figure out why it's named this way.</p> <p>6 MR. O'CONNOR: She's answered the question, 7 Sergei. Please move to another topic.</p> <p>8 BY MR. LEMBERG:</p> <p>9 Q Can you tell me the answer?</p> <p>10 A I don't know the answer.</p> <p>11 Q Okay. Let's talk about this LiveVox system a 12 little bit and then we'll come back to the collection 13 notes.</p> <p>14 What is your understanding about how the 15 LiveVox system operates? What -- strike that.</p> <p>16 What's your understanding of what use DCI makes 17 of the LiveVox system?</p> <p>18 A What use we make of it?</p> <p>19 Q Yeah.</p> <p>20 A We use it for compliance purposes. For me, the 21 main reason I like the LiveVox system is because we can 22 record every call we make, every call is documented, and 23 I mean, that's one of the reasons we use it. It's -- 24 there's multiple facets for why we use it.</p> <p>25 Q Okay. Let's go through them one by one.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Facilitating. So DCI collectors don't make 2 outbound phone calls, correct?</p> <p>3 A No, they do.</p> <p>4 Q Well, some do. But most calls are made by 5 LiveVox or through LiveVox?</p> <p>6 A Through LiveVox.</p> <p>7 Q Right. So there's a -- LiveVox is a computer 8 that lives in the cloud that makes phone calls for DCI, 9 and then when somebody picks up the phone, the call is 10 then transferred to a DCI collector, correct?</p> <p>11 A In some circumstances.</p> <p>12 Q And in other circumstances what happens?</p> <p>13 A The collector punches in the number on the 14 keypad and says -- hits the call button, and the call is 15 dialed, and the collector hears the phone ring, and his 16 answering machine picks up or --</p> <p>17 Q Those calls are still made through the use of 18 the LiveVox, correct?</p> <p>19 A Yes.</p> <p>20 Q So let's just deal with the -- the first 21 category, the calls that the LiveVox system makes without 22 the collector punching a key of any sort.</p> <p>23 A I'm sorry --</p> <p>24 Q In order to do that, in order for the LiveVox 25 system to know which numbers to dial, Diversified</p>

<p style="text-align: right;">Page 58</p> <p>1 Consultants selects the phone numbers in some fashion, 2 correct?</p> <p>3 A We choose -- we tell it what phone numbers to 4 dial.</p> <p>5 Q Right. And how do you -- and Diversified 6 Consultants tells it what numbers to dial by assembling a 7 spreadsheet, correct?</p> <p>8 MR. O'CONNOR: Objection to the form.</p> <p>9 THE WITNESS: I don't know how they assemble 10 it. I don't know what format they're using.</p> <p>11 BY MR. LEMBERG:</p> <p>12 Q Well, how does Diversified Consultants tell 13 LiveVox to dial numbers?</p> <p>14 A Jamie has that program. He's the one that runs 15 the program for that.</p> <p>16 MR. LEMBERG: Jack, what are we going to do?</p> <p>17 MR. O'CONNOR: What do you mean? You almost 18 done?</p> <p>19 MR. LEMBERG: No, I -- I can't even start.</p> <p>20 MR. O'CONNOR: I'm not sure what you're talking 21 about, Sergei. You're asking --</p> <p>22 MR. LEMBERG: I am -- I am at this point, 23 having read this manual several times, significantly 24 more versed in it than the witness. And so I'm 25 having trouble asking questions even on a very basic</p>	<p style="text-align: right;">Page 60</p> <p>1 his computer?</p> <p>2 A Yeah.</p> <p>3 Q What's the name of the program?</p> <p>4 A I'm not sure. I'm not sure if he's using 5 Excel, if he's using Latitude. I know it's all 6 integrated together, but I don't know if he uses our 7 software Latitude or if he's using Live -- LiveVox to -- 8 I mean, I imagine it's Excel. I'm just not 100 percent 9 sure. I don't want to say it's Excel and be wrong, so 10 I'm telling you I don't know.</p> <p>11 Q Did you ask Jamie before coming here what he 12 does?</p> <p>13 A No.</p> <p>14 Q Any reason why not?</p> <p>15 A Because we're both very busy.</p> <p>16 Q Were you told that you may be required to 17 answer questions here about the LiveVox system used by 18 Diversified Consultants?</p> <p>19 MR. O'CONNOR: Objection, objection.</p> <p>20 Don't answer that, Mavis.</p> <p>21 MR. LEMBERG: Jack -- well ...</p> <p>22 BY MR. LEMBERG:</p> <p>23 Q Let's talk in the abstract. Let's just imagine 24 Jamie wakes up in the morning, as you said, and does -- 25 and logs on to his home computer and creates a file. Can</p>
<p style="text-align: right;">Page 59</p> <p>1 level.</p> <p>2 MR. O'CONNOR: Well, the question --</p> <p>3 MR. LEMBERG: I need -- I need a knowledgeable 4 witness here to talk about the system.</p> <p>5 MR. O'CONNOR: We have a knowledgeable witness 6 from DCI. If you want a knowledgeable witness from 7 LiveVox, send them a subpoena.</p> <p>8 MR. LEMBERG: The witness from DCI is not 9 knowledgeable, Jack. The witness from DCI doesn't 10 know how the campaign is created, doesn't know what 11 file names are used. She doesn't know the basics.</p> <p>12 MR. O'CONNOR: You can make any record you 13 want, Sergei. She's here to answer your questions. 14 If you have some, let's continue; if not, let's wrap 15 it up.</p> <p>16 BY MR. LEMBERG:</p> <p>17 Q How does Diversified Consultants -- how does 18 Diversified Consultants tell the LiveVox system what 19 numbers to call?</p> <p>20 A Jamie uses his programs to upload the 21 information on the LiveVox every morning.</p> <p>22 Q And how does he do it?</p> <p>23 A Using his home computer. He does it every 24 morning. 5:00 a.m. he gets up and --</p> <p>25 Q Other than -- does he do it using a program on</p>	<p style="text-align: right;">Page 61</p> <p>1 we agree on that?</p> <p>2 A Sure.</p> <p>3 Q And the file contains phone numbers. Can we 4 agree on that?</p> <p>5 A Yes.</p> <p>6 Q And roughly what time does he do that from his 7 home computer?</p> <p>8 A Between 4:30 and 5:30.</p> <p>9 Q And those -- that file, what happens, then, to 10 that file?</p> <p>11 A It's uploaded to LiveVox.</p> <p>12 Q Uploaded to the LiveVox server, correct, to the 13 cloud?</p> <p>14 A Correct.</p> <p>15 Q And what then happens to those numbers?</p> <p>16 A At the appropriate time that's been designated 17 by the settings that Jamie has installed or set up that 18 morning or however he's done it for the specific amount 19 of calls for whatever campaign he's running, the calls 20 are made.</p> <p>21 Q So Jamie decides -- has some -- how does he 22 decide what campaign to run?</p> <p>23 A He's told the day before by our CEO -- or COO, 24 excuse me, and the vice president of operations and 25 president of the company and everybody else who has any</p>

<p style="text-align: right;">Page 62</p> <p>1 input.</p> <p>2 Q So Jamie gets guidance from upstairs telling</p> <p>3 him what campaign to run, correct?</p> <p>4 A Yeah.</p> <p>5 Q He then decides what phone numbers go into the</p> <p>6 file, correct?</p> <p>7 A Uh-huh.</p> <p>8 Q Then uploads the file to the server run by</p> <p>9 LiveVox, correct?</p> <p>10 A Correct.</p> <p>11 Q And then at the appropriate time, the LiveVox</p> <p>12 makes the phone calls based on however Jamie designs the</p> <p>13 campaign for that day, correct?</p> <p>14 A The campaign and however way he wants --</p> <p>15 whatever way he wants the calls to be made.</p> <p>16 Q And between the time that the file is uploaded</p> <p>17 to LiveVox and the time that the phone calls are made,</p> <p>18 those phone numbers live on the server, correct?</p> <p>19 A I'm not sure --</p> <p>20 MR. O'CONNOR: (Inaudible.)</p> <p>21 THE WITNESS: Sorry.</p> <p>22 THE REPORTER: I'm sorry, Mr. O'Connor, did you</p> <p>23 say something?</p> <p>24 MR. O'CONNOR: Just an objection to the form.</p> <p>25 You can answer it, Mavis, if you can.</p>	<p style="text-align: right;">Page 64</p> <p>1 A Jacksonville, Florida.</p> <p>2 Q Do you know if he can be here today?</p> <p>3 A I think he's on vacation right now. I don't</p> <p>4 know if he's here today.</p> <p>5 Q Is he in town?</p> <p>6 A I don't know. I know he was there yesterday,</p> <p>7 but he was only there for like an hour.</p> <p>8 Q Can you call and find out if we can ask him</p> <p>9 some questions?</p> <p>10 A I can text him.</p> <p>11 MR. O'CONNOR: No, that's not going to happen</p> <p>12 today, Sergei.</p> <p>13 MR. LEMBERG: Okay. Then, Jack, I'd like to</p> <p>14 make a joint call to the magistrate in the Mavis</p> <p>15 case to see if we can clarify this issue. Or we can</p> <p>16 do it to the district court judge in the -- in the</p> <p>17 Davis case. Tell me what you prefer.</p> <p>18 MR. O'CONNOR: We've produced a 30(b)(6)</p> <p>19 witness who's knowledgeable and happy to answer any</p> <p>20 questions --</p> <p>21 MR. LEMBERG: She doesn't know -- no, she's not</p> <p>22 happy -- Jack, I know she's happy to answer. I'm</p> <p>23 not saying she's unhappy. I'm telling you she</p> <p>24 doesn't know -- she -- she's just not a technical</p> <p>25 person. She doesn't know the answers, the very</p>
<p style="text-align: right;">Page 63</p> <p>1 THE WITNESS: I'm not sure if they live on the</p> <p>2 server or if they are uploaded -- Jamie's got a</p> <p>3 full-time job. I don't know if he uploads them</p> <p>4 every hour or every minute or how it's worked, or if</p> <p>5 they're stored in Latitude until a certain time and</p> <p>6 then transferred over, or what. I'm not exactly</p> <p>7 sure.</p> <p>8 BY MR. LEMBERG:</p> <p>9 Q Okay. Well, you said there's a computer, a</p> <p>10 server somewhere, correct?</p> <p>11 A Right.</p> <p>12 Q To which Jamie uploads the file, right?</p> <p>13 A For the calls that are going to be made.</p> <p>14 Q Right. So once he uploads the file, the file</p> <p>15 sits in that computer, right? Not in the cloud, it sits</p> <p>16 on a computer hard disc somewhere?</p> <p>17 A I'm not sure --</p> <p>18 MR. O'CONNOR: Objection to the form.</p> <p>19 THE WITNESS: I'm not sure where it sits. I'm</p> <p>20 not sure if it sits on a computer, if it sits on the</p> <p>21 cloud, or if they're in Latitude still until the</p> <p>22 time they're supposed to be called, then the account</p> <p>23 number is uploaded.</p> <p>24 BY MR. LEMBERG:</p> <p>25 Q Where does Jamie live?</p>	<p style="text-align: right;">Page 65</p> <p>1 basic answers.</p> <p>2 MR. O'CONNOR: You're asking her specific</p> <p>3 questions about LiveVox technology, Sergei.</p> <p>4 MR. LEMBERG: She -- that's what she's</p> <p>5 designated for. She's designated --</p> <p>6 MR. O'CONNOR: Don't interrupt. She's not from</p> <p>7 LiveVox, neither is Jamie. If you want specific</p> <p>8 information about LiveVox technology, send a</p> <p>9 subpoena to LiveVox.</p> <p>10 MR. LEMBERG: Well, Jamie is knowledgeable</p> <p>11 because Jamie submitted an affidavit in another case</p> <p>12 saying -- calling the system "ours" and saying that</p> <p>13 he is knowledgeable. So he's clearly knowledgeable,</p> <p>14 he's just not here. And the witness that is here</p> <p>15 cannot testify regarding the methodology for</p> <p>16 initiating and invoking telephone equipment on the</p> <p>17 system used to make outgoing collection calls.</p> <p>18 MR. O'CONNOR: I'm happy to discuss this</p> <p>19 further with you off the record, Sergei.</p> <p>20 MR. LEMBERG: No, I'd like to stay on the</p> <p>21 record.</p> <p>22 Which judge would you like to call?</p> <p>23 MR. O'CONNOR: Call any judge you want.</p> <p>24 Jamie's on vacation.</p> <p>25 MR. LEMBERG: Well, I'm not on vacation. I'm</p>

<p style="text-align: right;">Page 66</p> <p>1 here for work. I paid for this ticket to come here. 2 I left my family at home, and I came here to depose 3 this witness who doesn't know what a CSV file is. 4 MR. O'CONNOR: Well, I think you have to finish 5 up with her, and if you think you're entitled to 6 more testimony, then we'll talk about it and resolve 7 it on another day. 8 The judge can't order me to produce a witness 9 who's on vacation, Sergei. Do you understand? 10 MR. LEMBERG: No, I don't. I was told that the 11 witnesses would be here to testify. That's why I'm 12 here. And I come here and the witness is on 13 vacation. 14 Let's take a quick break. I'll get the phone 15 numbers and we'll call the judges. 16 (Brief recess.) 17 BY MR. LEMBERG: 18 Q So I think we'll give it another shot and see 19 where we go. So Jamie uploads the -- Jamie creates the 20 file on his computer, right? 21 A Yes. 22 Q And then transmits the file to LiveVox, 23 correct? 24 A Correct. 25 Q And how does he transmit the file to LiveVox?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q Can you estimate? 2 A No, it would not be accurate in any way. 3 Q Can we say it's a lot? 4 A Everybody has a different def- -- I'm not 5 trying to be difficult, but everybody has a different 6 definition of a lot. I know it's more than one or five 7 or ten numbers, but I'm not sure exactly how many numbers 8 are uploaded in each campaign. I wouldn't even be able 9 to give you a specific guesstimate even. 10 Q Do you know who -- do you know a gentleman by 11 the name of -- 12 (Cell phone rings.) 13 MR. LEMBERG: Jack, this is the court calling. 14 (Off-the-record discussion.) 15 BY MR. LEMBERG: 16 Q Do you know a gentleman by the name of Gordon 17 Beck? 18 A Yes, I do. 19 MR. LEMBERG: I'll mark what the -- I'll mark 20 this as Plaintiffs' -- 21 THE REPORTER: 9. 22 MR. LEMBERG: -- Plaintiffs' 9. 23 (Plaintiffs' Exhibit No. 9 marked for identification.) 24 BY MR. LEMBERG: 25 Q Would you please take a look at Plaintiffs' 9,</p>
<p style="text-align: right;">Page 67</p> <p>1 A Electronically. 2 Q Using what process, using what electronic 3 process? 4 A I don't know the name of it. 5 Q If I told you he uses FTP, would that -- 6 A File transfer protocol -- 7 Q Yes. 8 A -- most likely, yes. 9 Q And that is probably done on the Internet, 10 right? 11 A Yes. 12 Q So he creates the file, transmits it on the 13 Internet to LiveVox, right? 14 A Yes. 15 Q And the file, the daily file has more than one 16 number, correct? 17 A Yes. 18 Q More than a hundred? 19 A It depends on the file. It depends on the 20 files. He doesn't just do one file a day. 21 Q He does multiple files a day? 22 A Yes. 23 Q Some of them have a hundred numbers in them? 24 A I don't know how many numbers are in each 25 file.</p>	<p style="text-align: right;">Page 69</p> <p>1 and specifically at the section of this article called 2 "What technology do we use most and why" on the second 3 page, and then I'll ask you some questions. 4 A Okay. 5 Q You ready? 6 A Sure. 7 Q Who is Mr. Beck? 8 A He is the COO for Diversified Consultants, 9 Incorporated. 10 Q And does this article appear to be an article 11 that is based on an interview with him? 12 A Yes. 13 Q In which he's talking about the company 14 Diversified Consultants, correct? 15 A Correct. 16 Q Now, the section "What technology do we use and 17 why," you've just reviewed that section, correct? 18 A Yes. 19 Q The first sentence says, "Our hosted dialing 20 solution and our skip trace process are vital 21 technological platforms that are of utmost importance in 22 liquidating telecom accounts at a high level." Do you 23 have any disagreement with that sentence? 24 MR. O'CONNOR: Objection to the form. 25 Answer if you can, Mavis.</p>

<p style="text-align: right;">Page 70</p> <p>1 THE WITNESS: I don't see a reason why I would</p> <p>2 disagree with it.</p> <p>3 BY MR. LEMBERG:</p> <p>4 Q The second sentence -- the second sentence</p> <p>5 says, "LiveVox is currently DCI's hosted solution where</p> <p>6 we connect with them via VoIP for cost efficiency." Is</p> <p>7 that accurate?</p> <p>8 A We do use LiveVox as our hosted solution via</p> <p>9 voice over IP.</p> <p>10 Q Because telecom comes with high volume and</p> <p>11 low-average balance, you need to make millions of phone</p> <p>12 calls a day, sometimes we could do -- something we could</p> <p>13 not do when operating through a premise-based system.</p> <p>14 Any disagreement with that?</p> <p>15 MR. O'CONNOR: Objection to form.</p> <p>16 THE WITNESS: I do disagree with this.</p> <p>17 BY MR. LEMBERG:</p> <p>18 Q Okay. Well, tell me why you disagree with</p> <p>19 this.</p> <p>20 A Because it says you need the ability to make</p> <p>21 millions of phone calls a day.</p> <p>22 Q Okay.</p> <p>23 A I think you said you need to make millions --</p> <p>24 you know.</p> <p>25 Q Does that -- does that sentence mean to you</p>	<p style="text-align: right;">Page 72</p> <p>1 A Yeah.</p> <p>2 Q Okay. Now -- and they have a large number of</p> <p>3 phone numbers, correct?</p> <p>4 A I don't know how big the files are.</p> <p>5 Q I'm not asking you to tell me how big the files</p> <p>6 are. I'm asking you to confirm that the files contain a</p> <p>7 large number of phone numbers.</p> <p>8 A I can't confirm that because I don't build</p> <p>9 them. So I don't know if he's putting a hundred in each</p> <p>10 one or if he's building thousands and thousands --</p> <p>11 Q In order to make millions of phone calls a day,</p> <p>12 how many numbers would you need to load into the system</p> <p>13 to make a million phone calls?</p> <p>14 A How many numbers would you need to load in the</p> <p>15 system to make --</p> <p>16 MR. LEMBERG: I move to strike as</p> <p>17 nonresponsive.</p> <p>18 BY MR. LEMBERG:</p> <p>19 Q Can you tell me how many numbers on average are</p> <p>20 downloaded into the LiveVox dialer by Diversified</p> <p>21 Consultants?</p> <p>22 A No.</p> <p>23 Q Can you tell me how many numbers were</p> <p>24 downloaded by -- by Diversified Consultants into LiveVox</p> <p>25 yesterday?</p>
<p style="text-align: right;">Page 71</p> <p>1 that Diversified Consultants makes millions of phone</p> <p>2 calls a day?</p> <p>3 A No, it means we have the ability to make</p> <p>4 millions of phone calls a day.</p> <p>5 Q Okay. You need the ability to make millions of</p> <p>6 phone calls a day, right?</p> <p>7 A Correct.</p> <p>8 Q And so in order to make millions of phone calls</p> <p>9 a day, is it fair to say that Jamie would have to</p> <p>10 download some number that is -- download some large</p> <p>11 number of phone numbers into the dialer so that it could</p> <p>12 make those phone calls?</p> <p>13 A He would have to upload a large number of files</p> <p>14 or large groups of files.</p> <p>15 Q Right. And those groups of files, individual</p> <p>16 files have phone numbers in them, correct?</p> <p>17 A I'm not sure if they have phone numbers or</p> <p>18 account numbers, or -- and that's --</p> <p>19 Q Hold on.</p> <p>20 A I'm not sure on -- okay. Let me --</p> <p>21 Q In order for the dialer to dial, what is it</p> <p>22 dialing? It's not dialing account numbers.</p> <p>23 A No, it's dialing a phone number.</p> <p>24 Q Right. So the files have phone numbers,</p> <p>25 right?</p>	<p style="text-align: right;">Page 73</p> <p>1 A No.</p> <p>2 Q Can you estimate how many numbers are loaded</p> <p>3 into the LiveVox dialer on a daily basis?</p> <p>4 A Can I estimate?</p> <p>5 Q Yes.</p> <p>6 A It would be more of a guesstimate, but ...</p> <p>7 Q Tell me.</p> <p>8 A I'd say over a million.</p> <p>9 Q On a daily basis?</p> <p>10 A It's a guesstimation, but yes.</p> <p>11 Q What's the over/under on that? It could be off</p> <p>12 by 200,000s.</p> <p>13 A I mean, it could be off -- it could be off by</p> <p>14 millions. I don't know.</p> <p>15 Q But in order to make millions of phone calls a</p> <p>16 day, you need some number that's more than --</p> <p>17 A One.</p> <p>18 Q Well, your system doesn't -- I mean, let's be</p> <p>19 realistic. It's some number above 100,000, right?</p> <p>20 MR. O'CONNOR: Objection to the form.</p> <p>21 THE WITNESS: To make phone calls -- to make</p> <p>22 millions of phone calls a day --</p> <p>23 BY MR. LEMBERG:</p> <p>24 Q Right.</p> <p>25 A -- if we're making millions of phone calls a</p>

<p style="text-align: right;">Page 74</p> <p>1 day, you're going to have to dial a million phone 2 numbers. 3 Q Okay. Now, those phone numbers are contained 4 within the files that are uploaded to LiveVox, correct? 5 A I -- yes. 6 Q Now, since LiveVox is a computer -- okay. Let 7 me ask you a question. Let the record reflect that I am 8 holding a cup of coffee in my hand and I'm asking the 9 witness to look at the cup of coffee and answer my 10 question, and the question is as follows: Does this cup 11 of coffee have the capacity to store the coffee that is 12 in it? 13 A Yes. 14 Q Because if it didn't store it, there would be a 15 hole and it would be coming out on the other end, 16 right? 17 A Correct. 18 Q Now, the numbers that are downloaded into the 19 LiveVox -- uploaded, rather, into the LiveVox dialer by 20 Jamie, they sit there in that dialer, correct, until they 21 are dialed? 22 MR. O'CONNOR: Objection to the form. 23 THE WITNESS: I don't know. 24 BY MR. LEMBERG: 25 Q Is the LiveVox dialer like the cup of coffee</p>	<p style="text-align: right;">Page 76</p> <p>1 he uploads them to has to store them, doesn't it? 2 A I don't know if it takes that long to upload 3 them. I think that's why he gets up early. 4 Q Right. He uploads them quickly. It's FTP, he 5 uploads them quickly. 6 A No. 7 Q But then once they're uploaded -- 8 A He starts building the campaigns at 5:00 a.m. 9 It doesn't mean that they're going to be ready to be 10 uploaded right away. 11 Q Okay. 12 A I mean, you've got criteria. You've got to run 13 searches. 14 Q Okay. 15 A It's not something to be done -- 16 Q Supposed they're uploaded at 7:00 a.m. -- 17 suppose they're uploaded at 8:00 a.m. They're not all 18 dialed at 8:00 a.m., correct? 19 A Correct. 20 Q They're dialed over a period of time, correct? 21 A A couple minutes, a couple hours, I don't 22 know. 23 Q The whole work day in fact. 24 A I don't know. It's campaign dependent. 25 Q Because the collectors are sitting there</p>
<p style="text-align: right;">Page 75</p> <p>1 that I am holding in my hand or is it like a cup of 2 coffee -- or is it -- does it not have a bottom? Is 3 it -- can it not keep the phone numbers? 4 A It does not store the phone numbers. 5 Q Does it store the phone numbers until they are 6 dialed? 7 A I don't know. I don't know how that works. 8 Q How could it dial the phone numbers if it 9 doesn't store them until they are dialed? 10 A Because it could be pulling them from the 11 account. I -- I'm not sure on the technical side of it. 12 I'm not sure if the -- the account numbers are -- because 13 the systems are integrated -- 14 Q Uh-huh. 15 A -- from my understanding. Maybe they're not, 16 because he has to upload the file. So I don't know. 17 Q Right. He has to upload the file, right? 18 A Yeah, so I don't know. 19 Q In the morning, at 5 o'clock in the morning. 20 And phone calls don't start at 5 o'clock in the morning, 21 do they? 22 A No. 23 Q No. They start at 8:00, right? 24 A Depends on the time zone. 25 Q So from 5:00 to 8:00 at least, the system that</p>	<p style="text-align: right;">Page 77</p> <p>1 waiting for the phone calls to come in, right? 2 A It's campaign dependent. It's dependent how 3 many -- 4 Q Agreed. But the numbers have to live on the 5 LiveVox system until they are dialed. Is that true or 6 false? 7 A I -- I would -- 8 MR. O'CONNOR: Objection to the form. Sergei, 9 will you please let her give a compete answer before 10 you jump in. 11 THE WITNESS: I don't know. I don't -- I can't 12 answer that 100 percent yes, that's correct or 100 13 percent wrong, because I don't know how it -- how 14 they're saved in the -- if they're saved in LiveVox 15 until they're called, or if they're saved in our 16 system and then LiveVox pulls them when they're 17 ready to dial. I don't know. 18 BY MR. LEMBERG: 19 Q Where would they be saved in your system? 20 A On the FTP site. 21 Q On what? 22 A The FTP. On the site that we use for the FTP. 23 Q Well -- so you don't know if the system stores 24 the numbers, do you? 25 A I don't know.</p>

Page 78

1 Q Jamie does, doesn't he not -- does he not?

2 A That's his job.

3 Q If I show you the LiveVox manual and you looked

4 at it, would it be the third -- the second or third time

5 that you've seen it?

6 A It would be more than --

7 MR. O'CONNOR: Objection to the form.

8 THE WITNESS: It would be more than third or

9 fourth time.

10 BY MR. LEMBERG:

11 Q Okay. So you're familiar with it, then.

12 MR. LEMBERG: I'm to mark this as the next

13 exhibit, which is --

14 THE REPORTER: 10.

15 MR. O'CONNOR: Number 10?

16 THE REPORTER: Yes, sir.

17 MR. O'CONNOR: Thank you.

18 (Plaintiffs' Exhibit No. 10 marked for identification.)

19 BY MR. LEMBERG:

20 Q I've placed before you what's been marked as

21 Plaintiffs' 10. Can you please tell me what this

22 document is?

23 A It's our supplemental responses to your first

24 request for production of documents.

25 Q And what are the supplemental responses?

Page 79

1 What -- what are the documents that are being produced?

2 A I would have to look through it and see all of

3 the documents. The first one I see is the LiveVox

4 manual. It looks like this is just a LiveVox manual.

5 Q And what is the LiveVox manual?

6 A It is the how-to for us to run LiveVox.

7 Q Do you -- have you ever run LiveVox yourself?

8 A Thank God, no.

9 Q Under -- in what circumstances have you

10 familiarized yourself with this manual?

11 A Learning how to add user IDs, how to look up

12 certain calls, time ranges.

13 Q So am I correct that this is the manual that's

14 put out by LiveVox that tells you how to make use of the

15 system, "you" meaning DCI?

16 A Correct.

17 Q Now, can you point me in this manual to the

18 section that deals with how to upload the files to the

19 LiveVox system?

20 A Where's the -- where's part 1? It should have

21 a list of everything on it. Do you want not building a

22 campaign, but --

23 Q I'm just talking about uploading.

24 A Section 5 starts off with uploading -- or

25 has -- starts off with campaigns, but it's got related

Page 80

1 topics. And you can click the link to go to uploading a

2 campaign.

3 Q So which -- which PA number?

4 A PA 32 is the start of it.

5 Q Why don't we go PA 31 instead. Would you

6 please read that section and tell me -- and then tell me

7 when you're ready.

8 A Okay.

9 Q Can you explain to me what this section

10 means?

11 A That means that we have the option to store

12 information or phone numbers into the system, LiveVox

13 system, for up to 30 days.

14 Q And they can reside there, the campaigns, for

15 up to 30 days, correct?

16 A At our choice.

17 Q And data reports exist beyond the 30-day limit,

18 correct?

19 A Data reports on how -- on what was done, yes.

20 Q But it seems to me that this PA 31 means that

21 the LiveVox dialer that -- for which this manual is the

22 manual has the capacity to retain the files for 30 -- for

23 up to 30 days, correct?

24 A It has the capacity to obtain -- retain them

25 for up to 30 days.

Page 81

1 Q Okay. Now, what do the words "upload the

2 file" -- you pointed me to page 32. What do the words

3 "upload the file" mean?

4 A Uploading a campaign or file would be the

5 numbers we want to call, uploading it to the system.

6 Q So taking it from your system and moving it to

7 somebody else's, right?

8 A Yeah, or putting in the FTP and taking -- yeah.

9 Q All right. When the file is -- looking at page

10 PA 32, there's a heading called "Uploading a Campaign."

11 Can you explain to me how this process works looking at

12 this manual?

13 A If I took the time to read it, I would be able

14 to, yes. This is a step-by-step on how to upload a file,

15 yeah.

16 Q Right. So you take the file, you select it

17 from your system, correct?

18 A Right.

19 Q And then you upload it to their system,

20 right?

21 A Yeah. Well -- yeah.

22 Q And that's what Jamie does, does he not?

23 A Yeah.

24 Q And then the file, then, is -- sits on their

25 system until the numbers are dialed, correct?

<p style="text-align: right;">Page 82</p> <p>1 A Or until it expires based on the shelf life</p> <p>2 that we've preassigned.</p> <p>3 Q Right. And right at the bottom here it talks</p> <p>4 about archiving. And it says, "Completed and reported</p> <p>5 files older than the current date are archived; these</p> <p>6 files will only be displaced until their shelf life</p> <p>7 expires." Do you see that?</p> <p>8 A Yes, I do.</p> <p>9 Q So the -- the LiveVox system has the capacity</p> <p>10 to archive these files, does it not?</p> <p>11 A Yes.</p> <p>12 Q And when I -- when it says "archive," that</p> <p>13 means retain on the system, correct?</p> <p>14 A Archive is retain old information that's not</p> <p>15 usable. It's like --</p> <p>16 Q Is it any different than the library, for</p> <p>17 instance? You can have a book and an archive. You can</p> <p>18 have a file here and an archive, right?</p> <p>19 A Here's -- here's how I would describe it: You</p> <p>20 have a child. The child outgrows a pair of shoes, but</p> <p>21 you save them. You get them bronzed. They're now</p> <p>22 archived. They're not something you're going to use</p> <p>23 every day anymore. They're something your child's never</p> <p>24 going to wear again. No child will ever wear them</p> <p>25 again.</p>	<p style="text-align: right;">Page 84</p> <p>1 uploading to what is already on the system, correct?</p> <p>2 A I -- I'm not getting that from that, no.</p> <p>3 Q Please turn to page 35. Do you see where it</p> <p>4 says "Duplicate File Check"?</p> <p>5 A I do.</p> <p>6 Q "Files loaded are checked against files already</p> <p>7 loaded to check if the name or content of any campaign</p> <p>8 files are duplicated." Do you see that?</p> <p>9 A Yes, I do.</p> <p>10 Q So this means the system has the capacity to</p> <p>11 check against other files that are residing on the server</p> <p>12 already for name and content?</p> <p>13 A Okay.</p> <p>14 MR. O'CONNOR: Objection.</p> <p>15 BY MR. LEMBERG:</p> <p>16 Q True?</p> <p>17 A It says so, yeah.</p> <p>18 Q Turning page to PA 36, the first bullet point:</p> <p>19 "Once the files are uploaded, they will appear on the --</p> <p>20 under the uploads folder as seen on the screen below."</p> <p>21 Do you see that?</p> <p>22 A Yes, I do.</p> <p>23 Q So what this means to me is that the -- the</p> <p>24 files, once uploaded, reside on the LiveVox system. Does</p> <p>25 that mean the same thing to you?</p>
<p style="text-align: right;">Page 83</p> <p>1 Q Right. But they're still in your house?</p> <p>2 A Yeah.</p> <p>3 Q So same thing here, these files are archived on</p> <p>4 the LiveVox system, correct?</p> <p>5 MR. O'CONNOR: Objection to the form.</p> <p>6 THE WITNESS: To my understanding, yes.</p> <p>7 BY MR. LEMBERG:</p> <p>8 Q Now, flipping over to PA 33. Right there at</p> <p>9 the bottom there's a line that says, "When uploading a</p> <p>10 new file, the campaign manager will check to see if the</p> <p>11 previous file has been fully processed. User will get an</p> <p>12 alert, 'Please try again in a few minutes. The filename</p> <p>13 is being processed. Thank you,' if the file has not been</p> <p>14 fully processed and a save has been attempted." Do you</p> <p>15 see that line?</p> <p>16 A Yes, I do.</p> <p>17 Q Does that line not mean to you that the LiveVox</p> <p>18 system is capable of checking the new file against the</p> <p>19 previously uploaded file to see if they're the same</p> <p>20 thing?</p> <p>21 A Hang on. Let me read this. Well, it doesn't</p> <p>22 necessarily mean it's an archive file. It could just be</p> <p>23 if you've uploaded more than one file that day, the other</p> <p>24 one is still processing.</p> <p>25 Q But it has the ability to compare what you are</p>	<p style="text-align: right;">Page 85</p> <p>1 A They're on the system, yes.</p> <p>2 Q And in fact, if -- if today is like any other</p> <p>3 day, there's probably a screen like this that reflects</p> <p>4 today's files, wouldn't there be?</p> <p>5 A Yes.</p> <p>6 MR. LEMBERG: I'm going to call for the</p> <p>7 production of that screen for -- as of 2:30 p.m.</p> <p>8 Eastern Standard Time today.</p> <p>9 BY MR. LEMBERG:</p> <p>10 Q Now, once the file is -- I'm going to turn to</p> <p>11 page 38 now. For the file that is uploaded, you can</p> <p>12 create -- you can create campaigns from the files that</p> <p>13 are uploaded, correct?</p> <p>14 A Yes.</p> <p>15 Q And the campaigns allow you to customize the</p> <p>16 voice of the person leaving a message, correct?</p> <p>17 A If you leave messages, yes.</p> <p>18 Q And the time of the calls, correct?</p> <p>19 A I'm sorry, the what?</p> <p>20 Q And the time when the calls are made,</p> <p>21 correct?</p> <p>22 A I don't see that on here, but --</p> <p>23 Q Well, it's on the next page.</p> <p>24 A Yes.</p> <p>25 Q And on the next page it allows you to customize</p>

<p style="text-align: right;">Page 86</p> <p>1 the dialing strategy for the particular campaign, 2 correct?</p> <p>3 A Are you on page 40 now?</p> <p>4 Q Oh, yes.</p> <p>5 A Campaign will start dialing, campaign will end, 6 the days, recur, end of day. What was your question?</p> <p>7 Q It allows you to customize the dialing 8 strategy, correct?</p> <p>9 A Yes.</p> <p>10 Q Now, it also allows you to check against a 11 national database for cell phones, does it not?</p> <p>12 A Yes, it does.</p> <p>13 Q Does Diversified Consultants check against a 14 national database for cell phones and -- to determine 15 whether a particular number is or is not a cell phone?</p> <p>16 A Yes, we do.</p> <p>17 Q And then how would you explain that both Mavis 18 and Davis received calls using the LiveVox system on 19 their cell phones?</p> <p>20 MR. O'CONNOR: Objection to the form.</p> <p>21 THE WITNESS: I don't know. Maybe their 22 numbers weren't on that list.</p> <p>23 BY MR. LEMBERG:</p> <p>24 Q And what is the national database for cell 25 phones? Do you know what it's called?</p>	<p style="text-align: right;">Page 88</p> <p>1 numbers. It just says dial at your own whim. What will 2 the system do?</p> <p>3 A I don't know if it will.</p> <p>4 MR. O'CONNOR: Objection to the form.</p> <p>5 BY MR. LEMBERG:</p> <p>6 Q If Jamie doesn't tell the system how to dial, 7 how will the system dial?</p> <p>8 A I do not know.</p> <p>9 Q Ah. Well, if you don't know, would you please 10 look at page PA 64. At the very bottom it will tell you 11 the answer.</p> <p>12 A Okay.</p> <p>13 Q And so what is the answer to my question?</p> <p>14 A That LiveVox will use their standard 15 procedure.</p> <p>16 Q And their standard procedure is to do what?</p> <p>17 A To dial the phone numbers, one, two -- from one 18 phone, two and three and so on, that's in the file.</p> <p>19 Q And that is called what -- dialing how? That's 20 called dialing sequentially, is it not?</p> <p>21 A It's worded "sequentially," yes.</p> <p>22 Q So the standard default option for the LiveVox 23 system Diversified uses --</p> <p>24 A No.</p> <p>25 Q -- is to dial sequentially unless there is</p>
<p style="text-align: right;">Page 87</p> <p>1 A No, I don't. We use two different systems. I 2 don't know.</p> <p>3 Q Now, building a campaign allows Diversified to 4 include different messaging and different calling 5 strategies, correct?</p> <p>6 A Yes, it does.</p> <p>7 Q And it allows Diversified to determine how the 8 phone calls will be made by the LiveVox system, does it 9 not?</p> <p>10 A I'm sorry, one more time.</p> <p>11 Q Well, how does LiveVox decide how to dial the 12 numbers?</p> <p>13 A Based on the information that Jamie has 14 established.</p> <p>15 Q So Jamie has to tell LiveVox, hey, call these 16 numbers one after another or call them -- the first batch 17 at 10:00 a.m., the second batch at 11:00 p.m. or call 18 some with one number -- with one message and others with 19 another. That's Jamie's job, right?</p> <p>20 A Right.</p> <p>21 Q Now, what if Jamie doesn't tell the system 22 to -- how to call the numbers, what will it do?</p> <p>23 A Then there's not going to be any campaigns.</p> <p>24 Q Well, let's just imagine Jamie has a -- Jamie 25 uploads a campaign and it doesn't tell it how to dial the</p>	<p style="text-align: right;">Page 89</p> <p>1 another specification for how dialing is to be done; true 2 or false?</p> <p>3 A False, because we don't use their standard.</p> <p>4 MR. O'CONNOR: Objection to the form.</p> <p>5 BY MR. LEMBERG:</p> <p>6 Q But their standard is to dial sequentially; 7 true or false?</p> <p>8 MR. O'CONNOR: Objection to the form.</p> <p>9 THE WITNESS: LiveVox has a standard of dialing 10 sequentially. Diversified Consultants does not use 11 their standard.</p> <p>12 BY MR. LEMBERG:</p> <p>13 Q Diversified Consultants use -- uses a different 14 strategy for how it assigns when phone calls are made, 15 correct?</p> <p>16 A Correct.</p> <p>17 Q But the LiveVox system has the capacity to dial 18 sequentially, does it not?</p> <p>19 A I guess, yeah.</p> <p>20 Q Is that yes?</p> <p>21 A Yes.</p> <p>22 Q In fact, that's their default option, is it 23 not?</p> <p>24 A Correct.</p> <p>25 Q Are you familiar with the term "preview</p>

Page 90

1 dialing?"

2 A Yes.

3 Q What is preview dialing?

4 A That is very similar to manual dialing. It's

5 the same thing in my eyes. It's -- it's a box will come

6 up and ask you would you like to dial this number and it

7 will dial it. The only difference is the collector is

8 not typing the number in to dial.

9 Q So -- and that's -- that's how the LiveVox

10 system works, right?

11 A On some of their campaigns.

12 Q So a number pops up for the agent, the agent

13 clicks call, LiveVox dials, that's basically how it

14 works?

15 A It can be ran that way, yes.

16 Q What -- what are the other ways to do it?

17 A Or the consumer -- the call connects, and their

18 collector has a beep in their ear and the consumer is on

19 the line.

20 Q Did you see either from Mavis or Davis, in the

21 notes, that any of the calls were preview dials?

22 A I honest -- I don't know from the account

23 history. I'd have to look at the notes, the recording

24 logs, but I'm not sure I can recognize that. I wouldn't

25 be able to recognize it. It would be listed under the

Page 91

1 skill, and I'm not -- I'm not sure.

2 Q Now, I believe you had told me that -- and

3 correct me if I'm wrong, that -- that Diversified does

4 not believe that it has an ATSD or a dialer. Am I

5 correct?

6 A We do not have an ATDS.

7 Q And why is that?

8 A Because it does not have the ability to dial

9 random and sequential numbers.

10 Q Any other reason?

11 MR. O'CONNOR: Objection to the form.

12 THE WITNESS: I'm not sure.

13 BY MR. LEMBERG:

14 Q What do you mean you're not sure?

15 A We don't store numbers. We have case law -- or

16 we have case -- John O'Connor, that's what I refer to. I

17 don't -- I don't know.

18 Q We just went over the storing of the numbers.

19 A Correct.

20 Q I think we have to put that aside because we

21 now know that the LiveVox system allows you not only to

22 store, but it also allows you to archive, correct?

23 A Having the ability --

24 MR. O'CONNOR: Objection to the form.

25 THE WITNESS: Having the ability to store and

Page 92

1 actually storing are two very different things.

2 BY MR. LEMBERG:

3 Q You just said that you don't have -- can you

4 just repeat that again for me? What is your basis for

5 thinking that you don't -- that Diversified does not have

6 an ATDS?

7 A It does not have the ability to dial random and

8 sequential numbers. It does have the ability for

9 sequential, but not random based on what you just showed

10 me.

11 Q Okay. So that's the reason you think that

12 Diversified does not have an ATDS, correct?

13 A Correct.

14 Q The first thing is out the window, I think,

15 because I just showed you in the manual where it said

16 that it can dial sequentially.

17 A Sequentially, correct.

18 Q Correct. So it has that ability. That's not

19 accurate anymore, right?

20 A Correct.

21 MR. O'CONNOR: Objection to the form.

22 Sergei, you've asked questions about this topic

23 three times; she's answered them three times. This

24 is harassment. Please move to a different topic.

25 BY MR. LEMBERG:

Page 93

1 Q The next question I have for you is: What does

2 it mean to dial randomly?

3 A To randomly punch in numbers and hope to

4 connect with somebody.

5 Q Random numbers out of the blue?

6 A Correct.

7 Q And your position now is that your system is

8 not an ATSD because it cannot just randomly generate

9 numbers and call people?

10 A It is not an ATDS because it does not have the

11 ability to randomly dial numbers.

12 Q And by that, you mean literally taking numbers

13 out of the blue, like one, two, three, four, five, six,

14 seven?

15 A Yeah.

16 Q Now, how do you know that?

17 A Because we've asked LiveVox.

18 Q Who is "we"?

19 A Diversified Consultants, Incorporated.

20 Q Did you ask LiveVox?

21 A I asked Gordon and I asked Jamie, and they both

22 went to LiveVox and asked them.

23 Q And LiveVox told you that they can't dial

24 numbers randomly?

25 A Correct.

Page 94

1 Q They have to have actual numbers of actual
2 consumers to dial?

3 A They have to have actual phone numbers provided
4 to them.

5 Q Actual numbers provided to them.

6 MR. LEMBERG: Okay. Now, let's take a quick
7 break, and I think we're going to head toward the
8 finishing line. Jack, five minutes?

9 MR. O'CONNOR: That's fine.
10 (Brief recess.)

11 MR. LEMBERG: Jack, are you ready?

12 MR. O'CONNOR: Ready whenever you are.

13 MR. LEMBERG: I'd like to mark this as
14 Plaintiffs' -- a lot of exhibits today.

15 THE REPORTER: 11.

16 MR. LEMBERG: 11. I usually try to stay under
17 5.
18 (Plaintiffs' Exhibit No. 11 marked for identification.)
19 BY MR. LEMBERG:

20 Q Please tell me when you're ready.

21 A I'm ready.

22 Q Can you please identify this document for the
23 record?

24 A It's the -- it's our response to your first set
25 of interrogatories.

Page 95

1 Q And the very last page of this response has a
2 signature, does it not? Well, the one before last.
3 There's S slash Mavis-Ann Kohn Pye. Do you see that?

4 A I have a different copy than you. I've got
5 Nicholas Mavis.

6 MR. O'CONNOR: Which case is the exhibit from?

7 MR. LEMBERG: You have Mavis. Okay.

8 THE WITNESS: Nicholas Mavis.

9 MR. LEMBERG: Let the record reflect that
10 Plaintiffs' 10 is the -- the Diversified
11 Consultants, Inc.'s Answers to Plaintiff's First Set
12 of Interrogatories.

13 THE REPORTER: Plaintiffs' 11.

14 MR. O'CONNOR: In which case?

15 MR. LEMBERG: Plaintiffs' 11. In the case of
16 Mavis versus Diversified Consultants.

17 BY MR. LEMBERG:

18 Q Now, that we've squared that away, the
19 penultimate page of that document does have your
20 signature, does it not?

21 A It does.

22 Q Did you write responses to these
23 interrogatories?

24 A I provided the answers and our attorney
25 actually read them.

Page 96

1 Q And did you allow for your name to be used
2 under the penalties of perjury as a signature, an
3 electronic signature under the penalties of perjury?

4 A After reviewing them, yes.

5 Q And are these answers true and correct?

6 A Yes, they are.

7 Q And were they on January 14th, 2014?

8 A To the best of my ability.

9 Q And are they true and correct today?

10 A To the best of my knowledge.

11 Q Now, I'd like to ask you some questions about
12 some of these answers. Interrogatory number 4 says,
13 "Diversified uses" -- question: "Identify by name,
14 manufacturer, make, model and serial number all automatic
15 telephone dialing systems and/or equipment that you use,
16 including software that your system uses."

17 Answer: "Diversified uses no automatic
18 telephone dialing system. It's dialing system is a
19 LiveVox product." See that?

20 A Yes.

21 Q What's the basis for that answer?

22 A We don't have an ATDS, which is what you're
23 asking. And you asked us to answer what software, so we
24 use LiveVox.

25 Q Question number 9 asks about obtaining -- "When

Page 97

1 you obtain a person's telephone number other than
2 directly from the person, describe all steps you take to
3 determine the cell phone number, whether the number is a
4 cell phone number and whether the person gave prior
5 express consent."

6 The answer you gave is that "All numbers are
7 subjected to the scrubbing process to check for cell
8 service and consent, among other things." Can you
9 describe the scrubbing process to me?

10 A The main one that we use is -- I don't know the
11 name of the actual product, but we download -- I'm sorry.
12 It matches our files every night for cell phone numbers
13 to properly identify them and mark them as a cell phone
14 number versus a home or business.

15 Q How do you do that, "you" meaning DCI?

16 A We have our director of IT do it using Latitude
17 and the software that he found and purchased that's
18 updated regularly.

19 Q What is the software?

20 A I don't know what it's called. I just saw a
21 bill for it, and I don't remember what it's called.

22 Q And how does it work; do you know?

23 A It's a matching logic. And he helped develop
24 the Latitude software. So he's a programmer that can go
25 in there and create -- he created a program to match them

<p style="text-align: right;">Page 98</p> <p>1 and identify them and mark them.</p> <p>2 Q Number 11 asks about consent to call number</p> <p>3 (413) 777-5348. Do you see that?</p> <p>4 A I do.</p> <p>5 Q And your answer is that "All information</p> <p>6 regarding calls by the company is included in the account</p> <p>7 records produced to the plaintiff."</p> <p>8 The question I have about this interrogatory</p> <p>9 answer combination is as follows: Would you please take</p> <p>10 a look at the documents that -- that have been marked --</p> <p>11 the Mavis records that are in front of you, and explain</p> <p>12 to me what in those records reflects Mavis' consent to be</p> <p>13 called on the 5348 number.</p> <p>14 MR. O'CONNOR: Object to the form. It's</p> <p>15 already been asked and answered.</p> <p>16 THE WITNESS: I don't see any in here to</p> <p>17 indicate that.</p> <p>18 BY MR. LEMBERG:</p> <p>19 Q So number 11 -- the answer to number 11 is not</p> <p>20 accurate, is it?</p> <p>21 MR. O'CONNOR: Objection to the form.</p> <p>22 THE WITNESS: Well, it says if you contend that</p> <p>23 they provided it as express consent. We're not</p> <p>24 stating whether or not they contended that in the --</p> <p>25 in the answer to that.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q Would you like an opportunity to correct your</p> <p>2 answer to number 11?</p> <p>3 MR. O'CONNOR: Same instruction, Mavis.</p> <p>4 BY MR. LEMBERG:</p> <p>5 Q You will not answer my question?</p> <p>6 A I've been advised by my attorney not to answer</p> <p>7 your question.</p> <p>8 MR. O'CONNOR: Sergei, please stop harassing</p> <p>9 the witness. Move on to --</p> <p>10 MR. LEMBERG: I'm not harassing the witness,</p> <p>11 Jack. I'm asking her if she'd like to fix the</p> <p>12 answer. And the answer to that is yes or no.</p> <p>13 MR. O'CONNOR: There is no answer actually.</p> <p>14 Please stop harassing the witness. Move on to</p> <p>15 another topic.</p> <p>16 BY MR. LEMBERG:</p> <p>17 Q I'm going to ask you -- interrogatory number</p> <p>18 14: "Please state in detail the facts upon which you</p> <p>19 rely for each affirmative defense in your answer."</p> <p>20 I will help out and tell you that the</p> <p>21 affirmative defense of consent is what's being referenced</p> <p>22 here. And I'll ask you the following question: What</p> <p>23 facts do you have to show consent in this case, in the</p> <p>24 Mavis case?</p> <p>25 MR. O'CONNOR: Objection to the form. It's</p>
<p style="text-align: right;">Page 99</p> <p>1 BY MR. LEMBERG:</p> <p>2 Q There's nothing in the document that shows that</p> <p>3 he provided express -- in the documents that he -- that</p> <p>4 shows he provided express consent to be called at the</p> <p>5 5348 number, right?</p> <p>6 MR. O'CONNOR: Objection to the form.</p> <p>7 BY MR. LEMBERG:</p> <p>8 Q Nothing in the account history for his</p> <p>9 account?</p> <p>10 A Correct.</p> <p>11 Q Nothing in the dialer history for his</p> <p>12 account?</p> <p>13 A Not to my knowledge.</p> <p>14 Q Would you like an opportunity to correct your</p> <p>15 answer to number 11?</p> <p>16 MR. O'CONNOR: Objection.</p> <p>17 Don't answer that, Mavis.</p> <p>18 MR. LEMBERG: On what basis are you instructing</p> <p>19 the witness not to answer? Jack?</p> <p>20 MR. O'CONNOR: I heard you. Ask a proper</p> <p>21 question. Move on, please.</p> <p>22 MR. LEMBERG: I decline to accept your</p> <p>23 invitation to move on, and I will repeat my</p> <p>24 question.</p> <p>25 BY MR. LEMBERG:</p>	<p style="text-align: right;">Page 101</p> <p>1 been asked and answered. She already testified</p> <p>2 about the original agreement with -- with the</p> <p>3 creditor, Sergei.</p> <p>4 THE WITNESS: I've already answered this</p> <p>5 question.</p> <p>6 MR. LEMBERG: Jack, I think you're being</p> <p>7 disruptive. I don't appreciate that. I think -- I</p> <p>8 would personally like to -- to get home today, but</p> <p>9 if I need to, I can stay here until 5 o'clock and --</p> <p>10 and go over and over and over.</p> <p>11 MR. O'CONNOR: Actually, you can only stay to</p> <p>12 4:00, because that's when the witness is leaving.</p> <p>13 MR. LEMBERG: Not if we're not finished.</p> <p>14 BY MR. LEMBERG:</p> <p>15 Q Do you have -- would you now like to supplement</p> <p>16 this answer, answer to interrogatory number 14?</p> <p>17 MR. O'CONNOR: Objection, asked and answered.</p> <p>18 Don't answer it Mavis.</p> <p>19 MR. LEMBERG: Jack, I will -- you're -- you're</p> <p>20 forcing me to do what I really hate to do, which is</p> <p>21 to move for sanctions. I'm not asking any -- the</p> <p>22 only reasons in the federal rules to tell a witness</p> <p>23 not to answer is harassment or attorney-client</p> <p>24 privilege. I'm asking her questions that are not</p> <p>25 harassing, and there's absolutely nothing privileged</p>

<p style="text-align: right;">Page 102</p> <p>1 here. I'm asking her whether she'd like to 2 supplement this answer. 3 MR. O'CONNOR: Sergei, please stop harassing 4 the witness by asking the same question multiple 5 times after you've gotten a good answer. Please 6 move to another topic. 7 MR. LEMBERG: Okay. Then I'll move for 8 sanctions when I get home. 9 BY MR. LEMBERG: 10 Q Number 19, "Identify by name, position, address 11 and phone number all witnesses you propose to call at 12 trial." Do you know of anybody right now that you would 13 be calling for trial, at trial? 14 A Myself, possibly Jamie Sullivan. 15 Q Anybody else? 16 A There's possible more. I couldn't tell you off 17 the top of my head. 18 Q Finally, number 25. "Set forth the manner in 19 which you acquired phone number (413) 777-5348." 20 Answer: "It was obtained through a company 21 inquiry." What is a company inquiry? 22 A One is skip tracing searches that we run. 23 Q So it's not your company, correct? 24 A It's an inquiry that we ran through those 25 companies.</p>	<p style="text-align: right;">Page 104</p> <p>1 terminated or abandoned prior to being answered and 2 placed by you or anyone acting on your behalf or at your 3 direction." 4 Answer: "No calls were made using an ATDS or 5 predictive dialer." Is that answer true and correct? 6 A No calls were made using an ATDS. 7 Q LiveVox is a predictive dialer, is it not? 8 A I'm not sure if it's a predictive dialer. I 9 don't agree with the terminology. But according to -- 10 yeah. 11 Q Now, please take a look at Exhibit No. 3. 12 A Yep. 13 Q Do you remember that exhibit? 14 A I do. 15 Q That's the exhibit that is a printout of DCI's 16 Web site. 17 A Right. 18 Q And it calls LiveVox "our predictive dialer." 19 A Right. 20 Q Okay. Now, with that information in mind, can 21 you please tell me whether the answer to interrogatory 22 number 5 is true and correct? 23 MR. O'CONNOR: Objection to form. It's been 24 asked and answered. 25 Answer if you can, Mavis.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q Through a skip tracing company? 2 A Through -- yes. 3 Q And in this particular case, it's TransUnion, 4 correct? 5 A I'd have to look, because they're both 6 different. Correct. 7 Q So it's not your company and it's not your 8 client, correct? 9 A TransUnion is not our company and is not our 10 client, correct. 11 MR. LEMBERG: I'd like to mark as 12 the 12 interrogatory responses in the -- well, I don't have 13 another copy -- Mavis, Mavis. Okay. Mavis, Mavis, 14 Mavis. Davis. Okay. Then we're not going to mark 15 it as 12. 16 BY MR. LEMBERG: 17 Q In the Davis case, we served interrogatories on 18 Diversified Consultants just like we did in the Mavis 19 case. And I'll read you the interrogatory and I'll read 20 you the answer that was provided and signed by you. 21 Question: "Identify the date, time and length 22 of each call placed to plaintiff's number that was dialed 23 using an ATDS and/or predictive dialer. This 24 interrogatory seeks information related to each and every 25 call, including calls that were not answered and/or</p>	<p style="text-align: right;">Page 105</p> <p>1 THE WITNESS: It's partially incorrect based on 2 information on our Web site, which has been 3 changed. 4 BY MR. LEMBERG: 5 Q The LiveVox is a predictive dialer, is it 6 not? 7 MR. O'CONNOR: Objection to the form. 8 THE WITNESS: LiveVox, according to what our 9 CEO -- or our COO wrote for our Web site, is a 10 predictive dialer. 11 BY MR. LEMBERG: 12 Q Interrogatory number 10 in the Davis case says: 13 "Describe and identify in detail each document in your 14 possession which contains plaintiff's number, included 15 but not limited to documents received from plaintiff 16 and/or obtained as a result of searching for contact 17 information regarding plaintiff." 18 Answer: "Diversified obtained the number from 19 its client." And if you need to take a look at the 20 collection notes in the Davis case, you're welcome to do 21 it. 22 The question I have is as follows: Is the 23 answer to interrogatory number 10 true and correct? 24 A What was the phone number again? 25 Q It's the 857 number.</p>

Page 106

1 A There's more than one 857 number on here.

2 Q The 857 number that ends with 8596.

3 A Without looking at the phone panel, I cannot

4 confirm or deny that. There's a possibility that it came

5 back as a second -- for the second time as a skip trace

6 number, but --

7 Q As you sit here today, can you -- looking at

8 the account history for Davis and any other documents in

9 front of you today that have been produced, can you tell

10 me whether Diversified obtained (857) 312-8596 as a

11 contact number from its client?

12 A I cannot.

13 MR. LEMBERG: If there are other documents that

14 speak to this number being obtained from

15 Diversified's client, I'm going to call for their

16 production.

17 BY MR. LEMBERG:

18 Q You mentioned that the Web site was written by

19 Diversified's CEO?

20 A No, the COO.

21 Q Oh, the COO. What is his name?

22 A Gordon Beck.

23 Q Ah. It's the same one. Okay. Did he write

24 the entire Web site or just portions of it?

25 A He wrote portions of it.

Page 107

1 Q Who wrote what he didn't write?

2 A Probably the -- the firm we hired to -- to

3 develop it for us.

4 MR. LEMBERG: I'd like to mark this as 13.

5 THE REPORTER: We didn't mark a 12. It would

6 be 12.

7 MR. LEMBERG: 12, that's fine.

8 (Plaintiffs' Exhibit No. 12 marked for identification.)

9 BY MR. LEMBERG:

10 Q I've placed before the witness Exhibit 12,

11 which is a printout of -- taken on February 26th at 10:58

12 a.m. of Diversified's Web site,

13 dcicollect.com/DCI-technology.html.

14 MR. O'CONNOR: Can I ask a question about the

15 exhibits?

16 MR. LEMBERG: Yes.

17 MR. O'CONNOR: Are the two sets of

18 interrogatory answers both 11?

19 MR. LEMBERG: No. I marked Mavis as 11, and I

20 did not mark Davis because I do not have a copy.

21 MR. O'CONNOR: Oh, okay. All right. Go ahead.

22 Sorry.

23 BY MR. LEMBERG:

24 Q When you've read this document, please tell me.

25 A Okay.

Page 108

1 Q Do you see -- have you ever seen -- does this

2 appear to you to be a printout of Diversified's Web

3 site?

4 A It does.

5 Q And if you look on page 2 here, it says, and

6 I'll read it into the record: "In addition, Diversified

7 Consultants partners with LiveVox for its dialing needs.

8 LiveVox is the leading provider of predictive dialing

9 solutions to the collection industry." Do you see

10 that?

11 A I do.

12 Q What do you understand that sentence to mean?

13 A They're the best company out there that you can

14 make your calls through.

15 Q Predictively dialed calls, right? Right?

16 A Yeah.

17 Q And that is in fact the dialer that DCI uses,

18 does it not?

19 MR. O'CONNOR: Objection to the form, asked and

20 answered many times.

21 THE WITNESS: I'm sorry --

22 BY MR. LEMBERG:

23 Q With respect to this particular exhibit, the

24 exhibit that is in front of you is referring to the --

25 referring to the LiveVox dialer that Diversified uses,

Page 109

1 correct?

2 MR. O'CONNOR: Objection to the form.

3 THE WITNESS: I'm sorry. Repeat your

4 question.

5 BY MR. LEMBERG:

6 Q Is the exhibit referring to the LiveVox system

7 that Diversified uses to make outbound phone calls?

8 A It's referring to the LiveVox software that

9 we've been discussing all day.

10 Q Okay.

11 THE WITNESS: Can I take a break?

12 MR. O'CONNOR: Sure.

13 MR. LEMBERG: Sure. You can take a break.

14 That's fine.

15 (Brief recess.)

16 BY MR. LEMBERG:

17 Q You mentioned that the Web site had been

18 written by the CEO, correct, and the company that -- that

19 had been hired to do the Web site; am I correct?

20 A The COO.

21 Q DCI CO -- OO?

22 A Yes.

23 Q The answer's yes?

24 A Yes.

25 Q And you mentioned that the Web site has been

<p style="text-align: right;">Page 110</p> <p>1 changed, correct?</p> <p>2 A Correct.</p> <p>3 Q How did it come about that it was changed?</p> <p>4 A I reviewed it and told them I didn't like the</p> <p>5 wording and asked them to change it.</p> <p>6 Q Why didn't you like the wording?</p> <p>7 A I just -- I do that. Part of my job is to make</p> <p>8 sure that everything we put out there is putting us at</p> <p>9 lowest risk as possible.</p> <p>10 Q Did you tell them to change it by phone or</p> <p>11 e-mail?</p> <p>12 A By e-mail.</p> <p>13 Q Did you have an exchange with him about</p> <p>14 changing the Web site?</p> <p>15 A I've had numerous.</p> <p>16 Q And what is his position?</p> <p>17 A I -- what do you mean "what's his position"?</p> <p>18 Q Did he want to change it? Did he not want to</p> <p>19 change it?</p> <p>20 A He approved all the changes I requested.</p> <p>21 Q And you said you've had numerous. Why did</p> <p>22 you -- what was the need for numerous exchanges?</p> <p>23 A There was an issue with our BBB logo. The</p> <p>24 information on our Sat 70 (phonetic) was not correct.</p> <p>25 Q What about this recent change, did it have to</p>	<p style="text-align: right;">Page 112</p> <p>1 (Off-the-record discussion.)</p> <p>2 MR. LEMBERG: Jack, do you want to waive</p> <p>3 reading and signing?</p> <p>4 MR. O'CONNOR: No, we'd like to read and sign.</p> <p>5 (Off-the-record discussion.)</p> <p>6 MR. LEMBERG: I leave the deposition open for</p> <p>7 the witness named Jamie Sullivan to come here and</p> <p>8 explain how -- the methodology for operating the</p> <p>9 system and uploading the numbers that DCI uses.</p> <p>10 MR. O'CONNOR: Okay. As far -- as far as I'm</p> <p>11 concerned, as I said, I'm happy to talk to counsel</p> <p>12 about any discovery issues going forward, but DCI's</p> <p>13 position is the deposition is concluded.</p> <p>14 And we'd like a copy, please, Tanya, and a</p> <p>15 mini.</p> <p>16 (Witness excused)</p> <p>17 (The witness did not waive reading and signing, and</p> <p>18 the deposition concluded at 3:24 o'clock p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 111</p> <p>1 do with the predictive dialer verbiage?</p> <p>2 A Yes, part of it.</p> <p>3 Q Why didn't you like it?</p> <p>4 A Because it's leads to assumptions that we're</p> <p>5 using an ATDS or that we're violating the law, and we're</p> <p>6 not.</p> <p>7 Q And on that topic, did you have an e-mail</p> <p>8 exchange with him?</p> <p>9 A On changing the verbiage?</p> <p>10 Q Yes.</p> <p>11 A Yes, "Gordon, I'd like to make these changes in</p> <p>12 the Web site."</p> <p>13 Q And what did he respond?</p> <p>14 A Approved.</p> <p>15 MR. LEMBERG: I'd like to request all e-mails</p> <p>16 having to do with these changes to the Web site,</p> <p>17 with these specific changes, the most recent round.</p> <p>18 BY MR. LEMBERG:</p> <p>19 Q You're not suggesting that the information that</p> <p>20 had been there before was inaccurate?</p> <p>21 A No.</p> <p>22 MR. LEMBERG: I have nothing further.</p> <p>23 MR. O'CONNOR: Okay. Nothing from me.</p> <p>24 MR. LEMBERG: Okay. Thank you very much.</p> <p>25 THE WITNESS: Thank you.</p>	<p style="text-align: right;">Page 113</p> <p>1 C E R T I F I C A T E O F O A T H</p> <p>2</p> <p>3</p> <p>4 STATE OF FLORIDA)</p> <p>5 COUNTY OF DUVAL)</p> <p>6</p> <p>7</p> <p>8 I, the undersigned authority, certify that MAVIS-ANN</p> <p>9 PYE personally appeared before me and was duly sworn on</p> <p>10 Friday, February 28, 2014.</p> <p>11</p> <p>12 WITNESS my hand and official seal this 4th day of</p> <p>13 March 2014.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 <i>Tanya L. McCranie</i></p> <p>19 Tanya L. McCranie</p> <p>20 Notary Public - State of Florida</p> <p>21 Commission No.: FF 049175</p> <p>22 Expires: October 26, 2017</p> <p>23</p> <p>24 Personally known:</p> <p>25 Produced Identification: XX</p> <p>Type of Identification Produced: Florida Driver's License</p>

Page 114


C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF DUVAL)

I, TANYA L. McCRANIE, Registered Merit Reporter,
certify that I was authorized to and did stenographically
report the deposition of MAVIS-ANN PYE; that a review of
the transcript was requested; and that the transcript is
a true and complete record of my stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with this action, nor am I
financially interested in the action.

DATED this 4th day of March 2014.


Tanya L. McCranie, RMR

Page 116

E R R A T A S H E E T

Re: Mavis/Davis vs. Diversified Consultants
Civil Action Nos.: 3:13-cv-30087-KPN 1:13-cv-10875-FDS

Page	Line	Where it reads:	Should read:
6			
7		Reason:	
8			
9		Reason:	
10			
11		Reason:	
12			
13		Reason:	
14			
15		Reason:	
16			
17		Reason:	
18			
19		Under penalties of perjury, I declare that I have	
20		read my deposition and that it is true and correct	
21		subject to any changes in form or substance entered here.	
22			
23			
24		DATE	MAVIS-ANN PYE
25		(TLM 02/28/14)	

Page 115

Riley Reporting & Associates, Inc.
1660 Prudential Drive, Suite 210
Jacksonville, Florida 32207
(904) 358-1615 FAX (904) 356-5751

March 4, 2014

John J. O'Connor, Esquire
Peabody & Arnold, LLP
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 32202

Re: Mavis/Davis vs. Diversified Consultants

Dear Mr. O'Connor:

Enclosed you will find your copy of the deposition of
Mavis-Ann Pye taken on Friday, February 28, 2014, in the
above-titled case. The errata sheet is enclosed for the
reading and signing.

Please have Ms. Pye read the deposition, making any
changes on the errata sheet, and return the original
signed errata sheet to Mr. Lemberg. Your prompt
attention to this matter is appreciated.

Sincerely,

Tanya L. McCranie
Court Reporter

Enclosure

cc: Sergei Lemberg, Esquire

0	2014 96:7	413 777-5348 7:22 9:2,7,24 98:3 102:19	8:05 27:14	add 79:11
08-01-2012 34:10	20th 26:12 43:7	4:00 101:12	8:22 27:8	addition 108:6
1	25 102:18	4:30 61:8	9	additional 25:19 29:13
1 7:3,5 20:19 27:18 35:17 52:6 79:20	25th 50:11 52:8,9	5	9 49:11 68:21,22,23, 96:25	address 102:10
10 78:14,15,18,21 95:10 105:12,23	26th 107:11	5 30:17,18 31:1,9 37:19 52:16 75:19, 20 79:24 94:17 101:9 104:22	96 26:21 27:8	adept 14:12,16
100 10:18 60:8 77:12	28th 50:13	5348 49:11 51:18 98:13 99:5	9th 25:10	advice 40:24
100,000 73:19	2:30 85:7	5:00 59:24 75:25 76:8	A	advise 41:3
10:00 87:17	2:42 29:18 37:3	5:30 61:8	a.m. 27:8 50:11 59:24 76:8,16,17,18 87:17 107:12	advised 100:6
10:58 107:11	2:43 36:19,25 37:3,4	5th 36:7	abandoned 9:7 104:1	affect 6:14
11 50:11 94:15,16,18 95:13,15 98:2,19 99:15 100:2 107:18, 19	2nd 50:15,16	6	ability 70:20 71:3,5 83:25 91:8,23,25 92:7,8,18 93:11 96:8	affidavit 65:11
11:00 87:17	3	6 42:1,2,4, 45:10 46:22 47:4,7 48:16, 19	absolutely 6:8 101:25	affirmative 100:19, 21
11:11:55 50:11	3 8:9 20:2,3 36:11, 12,22 46:5 52:12,13 104:11	64 88:10	abstract 60:23	agencies 48:2
11th 25:17	30 80:13,15,22,23,25	7	abused 41:4	agent 32:19 35:24, 25 36:9 90:12
12 36:1 103:11,15 107:5,6,7,8,10	30(b)(6) 7:18 33:13 64:18	7 44:10,11,14 45:11, 25 46:12,22 47:4,7 48:16	accept 40:21 99:22	agree 16:10 40:7 61:1,4 104:9
13 107:4	30-day 80:17	70 110:24	account 10:21 24:2, 9,16,21 25:5,8,9 28:24 31:12 32:17, 22 36:23 42:5,13,14, 22,23 43:2,5,6,9 44:22 45:1,2,6,18, 19,21,22,24 46:1,19 48:18,24 49:4,25 50:10 52:23 63:22 71:18,22 75:11,12 90:22 98:6 99:8,9,12 106:8	Agreed 77:4
13th 36:19	30th 48:21 50:14 52:11	8	accounts 28:20 54:9,11 69:22	agreement 101:2
14 100:18 101:16	31 80:5,20	8 27:20 49:13,15,16 53:5	accurate 68:2 70:7 92:19 98:20	ahead 16:23 19:25 29:10 107:21
14th 96:7	32 80:4 81:2,10	857 105:25 106:1,2	acquired 102:19	alert 33:13 83:12
15 13:8	33 83:8	857 312-8596 24:25 25:4 26:10 27:21 28:1,5, 106:10	acronym 34:21	allowed 37:25
15th 25:22 29:4,12 30:5 36:15,19	35 84:3	8596 29:2,14 35:9 37:6 106:2	acting 104:2	allowing 48:1
19 102:10	36 84:18	8957 47:15,18	actions 38:10	amended 7:3 11:13
1st 26:13,25 27:8,13 50:15	38 85:11	8:00 75:23,25 76:17, 18	activity 25:15	amount 61:18
2	3:24 112:18		actual 34:22 94:1,3, 5 97:11	and/or 8:25 9:6,12, 16 96:15 103:23,25 105:16
2 11:12,15 36:6 46:5 52:10 108:5	3:29 37:6			answer's 109:23
200,000s 73:12	3rd 50:16			answering 34:1 57:16
2005 12:15 13:9	4			answers 6:6,11 64:25 65:1 95:11,24 96:5,12 107:18
2012 25:10,23 26:12,13 27:8 28:19 29:4 36:20	4 23:19,21,25 24:1,5 31:10 36:13, 52:14 96:12			anticipate 14:1
2013 28:20 43:7 48:21	40 86:3			anymore 82:23 92:19
	400 20:1			appearing 35:3
	413 388-7469 44:16 45:4			appears 33:17,22
	413 454-8957 43:25 46:23 47:9			applies 52:22

approved 110:20 111:14	average 72:19	box 90:5	102:13	center 31:14,15,17
April 48:21 50:15,16	aware 9:17 47:18 48:4	break 56:16 66:14 94:7 109:11,13	calls 7:21 8:4,21 9:1,6,8,23 10:21 11:4 13:5 21:15,17 22:3,5,9,12,24 23:1 27:20,25 28:4,9,13 29:1,14,25 31:15 33:5 35:12,13 36:5, 22 37:15 38:1,8 50:12,20 51:8,18,21, 22 52:7,13,15,17,18, 19 53:1,2,3 54:4,5, 20 56:23,24 57:2,4, 8,17,21 61:19 62:12, 15,17 63:13 65:17 70:12,21 71:2,4,6,8, 12 72:11,13 73:15, 21,22,25 75:20 77:1 79:12 85:18,20 86:18 87:8 89:14 90:21 98:6 103:25 104:4,6,18 108:14, 15 109:7	centers 19:13
archive 82:10,12, 14,17,18 91:22	<hr/> B <hr/>	breather 18:24		CEO 61:23 105:9 106:19 109:18
archived 82:5,22 83:3	back 36:2 48:18 55:12 106:5	briefly 6:4 36:24		change 110:5,10, 18,19,25
archiving 82:4	bad 29:3,7,15 48:22 49:3	bronzed 82:21		changed 105:3 110:1,3
article 69:1,10	balance 70:11	build 72:8		changing 110:14 111:9
asks 96:25 98:2	base 35:23 40:3	building 72:10 76:8 79:21 87:3		chart 26:23 28:10, 31:14
assemble 58:9	based 62:12 69:11 82:1 87:13 92:9 105:1	bullet 84:18		check 83:10 84:4,7, 11 86:10,13 97:7
assembled 22:16	basic 58:25 65:1	bunch 54:19		checked 84:6
assembling 58:6	basically 16:12 90:13	business 14:2 42:20 97:14		checking 45:8 83:18
assigned 17:11 32:8,11	basics 33:17 59:11	busy 60:15		Cheryl 48:23
assigns 89:14	basis 17:6,14,21 23:7 40:11 73:3,9 92:4 96:21 99:18	button 57:14	<hr/> C <hr/>	child 82:20,24
assist 13:5	batch 87:16,17	buy 26:7		child's 82:23
assistance 15:25	BBB 110:23	C098 30:6,8,10,11		choice 80:16
assistant 48:23	beat 54:5,6	call 14:10 18:11,17, 20 19:13 26:16,19 27:7,8,9,12 29:1,2, 17,21,23 30:12,15 31:3,6,11,14,15,17, 19,20,24 32:13,20, 24 33:1 35:6,8,16 36:1,8 37:1,3 43:19, 20 47:5,8,14,18 50:6,8,9,10,13,14 51:3,5,6,14,22 52:1, 8,9,11,25 55:22 56:6,7,8 57:9,14 59:19 64:8,14 65:22, 23 66:15 81:5 85:6 87:15,16,17,22 90:13,17 93:9 98:2 102:11 103:22,25 106:15		choose 58:3
associate 13:1,4	beating 53:25 54:3			circumstances 57:11,12 79:9
assumes 18:2 23:9	Beck 68:17 69:7 106:22		campaign 9:22 10:1,5,6,13 33:3,23 53:6 54:15 59:10 61:19,22 62:3,13,14 68:8 76:24 77:2 79:22 80:2 81:4, 83:10 84:7 86:1,5 87:3,25	Citibank 13:15
assumptions 111:4	beep 90:18		campaigns 76:8 79:25 80:14 85:12, 15 87:23 90:11	clarify 64:15
AT&T 42:5,23 44:9, 15,23 45:1,3,14,18, 19 46:1,24 47:21	behalf 4:3,22,24 7:22 9:2 40:14 104:2		capable 83:18	class 14:18
ATDS 18:13 92:6,12 93:10 96:22 103:23 104:4,6 111:5	believing 33:25		capacity 74:11 80:22,24 82:9 84:10 89:17	classes 14:3,7,8,19
ATSD 18:11 91:4 93:8	big 16:12 18:15 39:17 72:4,5		case 7:4 11:14,19 24:13,15,18 26:25 44:20 49:22 64:15, 17 65:11 91:15,16 95:6,14,15 100:23, 24 103:3,17,19 105:12,20	clear 41:21 44:25
attempt 25:16	bill 97:21		cases 4:13 16:11,24 28:12,18	click 80:1
attempted 83:14	bills 48:3		category 57:21	clicks 90:13
attempting 32:15	bit 55:12		CBCINNOVIS 26:4, 10 43:17	client 103:8,10 105:19 106:11,15
attended 14:21	blast 53:7,10,12,13 54:3,12,19,22,24,25	called 7:17 17:2,11 18:6,21 22:15 25:19 26:14 27:15,21 28:1, 5 33:8 35:19 36:2,3 50:12 63:22 69:1 77:15 81:10 86:25 88:19, 97:20,21 98:13 99:4		closely 28:23
attorney 10:23 12:9 95:24 100:6	blue 93:5,13	caller 35:2,4	cell 18:6,17,20 68:12 86:11,14,15,19,24 97:3,4,7,12,13	cloud 21:20,22 22:1 38:19 56:22 57:8 61:13 63:15,21
attorney-client 101:23	book 82:17	calling 12:1 55:2 65:12 68:13 87:4		cloud-based 38:25 39:1
August 26:13,25 27:8,13	books 14:24			coffee 74:8,9,11,25 75:2
automated 8:4	bottom 8:22 12:1 75:2 82:3 83:9 88:10			collect 17:2 19:10 25:12 45:14
automatic 10:10 14:19,22,25 96:14, 17				

collecting 44:23 45:3 54:9	15,16, 66:20 74:6	contend 98:22	cost 70:6	Davis' 24:24,25
collection 8:25 21:7 25:9,15 42:23 43:5 48:2 55:12 65:17 105:20 108:9	computers 42:15	contended 98:24	counsel 15:11,12 112:11	day 27:13 29:11 33:6,9 61:23 62:13 66:7 67:20,21 70:12, 21 71:2,4,6,9 72:11 73:16,22 74:1 83:23 85:3 86:6 109:9
collections 13:15, 18	concerned 112:11	content 84:7,12	count 28:11 51:17, 20	days 80:13,15,23,25 86:6
collector 27:4 30:12 51:15 57:10,13,15, 22 90:7,18	concluded 112:13, 18	context 53:23	counting 52:5	DCI 19:10 21:8 33:20 40:13,14 55:16 57:1,8,10 59:6,8,9 97:15 108:17 109:21 112:9
collectors 8:5 26:1 56:12 57:1 76:25	confirm 8:24 41:7 72:6,8 106:4	continue 59:14	couple 76:21	DCI'S 70:5 104:15 112:12
college 13:23,24	connect 35:21, 36:22 50:25 51:1,2,7 70:6 93:4	contract 47:21,22, 25 48:4,7,9,12	couple-second 18:24	dcicollect.com/ dci-technology. html. 107:13
column 26:24 27:3 31:14 32:7,14,17,19, 23 33:3 50:22 53:6	connected 32:20 37:2,3	COO 61:23 69:8 105:9 106:20,21 109:20	court 4:15,16 5:25 64:16 68:13	dcicollect.com/ services/dci-pre- collection- services. 20:6
columns 35:8 50:3	connections 36:5	copies 9:5	create 37:18 85:12 97:25	deal 57:20
combination 98:9	connector 51:3	copy 95:4 103:13 107:20 112:14	created 49:20 59:10 97:25	deals 79:18
comma-separated 34:15,20	connects 90:17	corner 20:18	creates 60:25 66:19 67:12	debt 17:2 25:9,12 45:15
comment 27:3	consent 8:3 18:16, 20 47:5,8,14,17 48:15 97:5,8 98:2, 12,23 99:4 100:21, 23	corporate 6:17	creditor 44:4 101:3	debtor 27:14 29:8 43:20
communication 25:16	consented 16:15 27:21 28:1,5	correct 6:19 7:15 17:3,5 18:12 19:11 21:17 22:4,14,17,25 23:2,3 25:13,20,23 26:3,10,15,21,23 27:1,2,5,10,11,14 28:8,15 31:16,21 33:1,2 35:9,11,20 36:4 37:2,16,19,23 38:3,12 40:8 42:16, 20,24 43:25 44:1 45:4,20 46:12 47:2,3 48:16,17 49:6,22 50:1,4,5,7,13 51:10, 20,21 52:7,20,24 57:2,10,18 58:2,7 61:12,14 62:3,6,9, 10,13,18 63:10 66:23,24 67:16 69:14,15,17 71:7,16 72:3 74:4,17,20 76:18,19,20 77:12 79:13,16 80:15,18, 23 81:17,25 82:13 83:4 84:1 85:13,16, 18,21 86:2,8 87:5 89:15,16,24 91:3,5, 19,22 92:12,13,17, 18,20 93:6,25 96:5,9 99:10,14 100:1 102:23 103:4,6,8,10 104:5,22 105:23 109:1,18,19 110:1,2, 24	criteria 76:12	decide 6:9 22:11,19 61:22 87:11
communications 8:25	Consultant's 19:11		csv 33:7,10,24 34:7, 8,11,12,13,20 66:3	decides 22:15 61:21 62:5
companies 102:25	Consultants 4:23, 25 6:18 12:12,21 13:2,8 17:1,10 18:5, 10,16,19 19:6,14,23 20:19,21 22:2 25:8, 18 26:1 29:6,13 37:22 42:16 43:24 44:23 45:2,14 46:24 51:15 58:1,6,12 59:17, 60:18 69:8,14 71:1 72:21,24 86:13 89:10,13 93:19 95:11,16 103:18 108:7		cup 74:8,9,10,25 75:1	decline 99:22
company 20:23 22:1 25:19 47:5,8 56:14 61:25 69:13 98:6 102:20,21,23 103:1,7,9 108:13 109:18	Consent 4:23, 25 6:18 12:12,21 13:2,8 17:1,10 18:5, 10,16,19 19:6,14,23 20:19,21 22:2 25:8, 18 26:1 29:6,13 37:22 42:16 43:24 44:23 45:2,14 46:24 51:15 58:1,6,12 59:17, 60:18 69:8,14 71:1 72:21,24 86:13 89:10,13 93:19 95:11,16 103:18 108:7		current 82:5	Dedicated 20:22
compare 83:25	Consultants' 20:5, 14		customer 13:19	def- 68:4
compete 77:9	consumer 29:10 32:15 43:22 51:15 90:17,18		customize 85:15,25 86:7	default 89:22
competitor 53:13	consumer's 35:4		database 9:12 86:11,14,24	defaulted 43:2
competitor's 53:20	consumers 8:4 94:2		date 7:14 32:23,24 43:4 82:5 103:21	defendant 7:17, 8:21 9:1 11:3,23 12:1 16:13,15 33:14 46:6 48:12
Completed 82:4	contact 44:8 48:2 105:16 106:11	correctly 25:7	dates 31:7	defendant's 7:22 8:2,5 9:1,13
complexity 21:9	contained 74:3	correspond 31:9	Davis 4:14 5:21 11:13,19 17:2,11 18:16 24:13 49:22, 25 52:23,25 64:17 86:18 90:20 103:14, 17 105:12,20 106:8 107:20	defense 100:19,21
compliance 12:13, 55:20				definition 9:22 10:1,3,5,6,13 12:3 33:23 34:21 68:6
compound 17:7				
computer 14:8,11, 13,15,17 38:20 39:4, 13,14,15,17,18,19, 21 40:2,5 57:7 59:23 60:1,25 61:7 63:9,				

degree 13:25 14:1,4	41:22 49:8,11,20,21, 24 50:12 52:23 53:2, 3 71:11,21 72:20 73:3 74:19,20,25 80:21 91:4 99:11 103:23 104:5,7,8,18 105:5,10 108:17,25 111:1	88:23 89:10,13 91:3 92:5,12 93:19 95:10, 16 96:13,17 105:18 106:10 108:6,25 109:7	electronically 47:23 67:1	excused 112:16
deleted 38:1			eligible 32:12	executives 22:11
delinquent 48:2			eliminated 38:1	exhibit 7:5 11:15 20:2 23:19,25 24:8 30:18 37:19 42:2 44:11 49:16 68:23 78:13, 94:18 95:6 104:11,13,15 107:8, 10 108:23,24 109:6
demand 11:25			else's 81:7	
demands 12:2		Diversified's 32:18 106:15,19 107:12 108:2	employ 19:23	
denies 18:10			employees 21:8	
deny 17:1,10 18:5 106:4	dialing 9:13 10:10 14:19,22,25 15:21 16:14 69:19 71:22, 23 86:1,5,7 88:19,20 89:1,9 90:1,3,4 96:15,18 108:7,8	document 7:7,10, 13,17 11:25 20:10, 13 23:23 25:1 27:19 30:20 34:19 37:8,11 42:8 44:13 94:22 95:19 99:2 105:13 107:24	enable 44:6	exhibits 47:4 94:14 107:15
department 13:16			enabled 37:18	
dependent 76:24 77:2		documentation 24:9	enables 26:1	exist 80:17
depends 67:19 75:24	dials 90:13,21		end 32:25 74:15 86:5,6	expires 82:1,7
depose 66:2	difference 39:21,24 90:7	documented 30:2 55:22	ends 106:2	explain 28:17 32:5 38:20 53:17 80:9 81:11 86:17 98:11 112:8
deposed 6:17	difficult 68:5		English 54:23	express 97:5 98:23 99:3,4
deposition 6:5 7:3 10:20,25 11:13,18 33:19 112:6,13,18	DIRECT 4:5	documents 8:22 9:23 12:1,3,4 45:11 48:16 78:24 79:1,3 98:10 99:3 105:15 106:8,13	enrolled 14:5,6	extent 48:12
depositions 5:2	direction 104:3		entire 106:24	extremely 14:12
describe 82:19 97:2,9 105:13	directly 97:2	double 28:20	enunciated 6:12	eyes 90:5
designate 33:14	director 97:16	download 71:10 97:11	equipment 65:16 96:15	<hr/> F <hr/>
designated 7:23 8:1,8,12,15,18 11:22 61:16 65:5	disagree 70:2,16,18	downloaded 72:20, 24 74:18	ERC 53:10,13,25 54:3,5,6,9	facets 55:24 56:1
designs 62:12	disagreement 34:4 69:23 70:14	duly 4:2	established 87:14	facilitating 56:24 57:1
detail 100:18 105:13	disc 63:16	Duplicate 84:4	estimate 6:10 19:24 68:1 73:2,4	fact 26:20 33:17 41:23 47:1 76:23 85:2 89:22 108:17
determine 28:8 29:16,19 30:13 86:14 87:7 97:3	discovery 5:9 112:12	duplicated 84:8	evidence 18:2 27:24 28:3,25 47:14, 17,20 48:15	factors 35:24 56:19
develop 97:23 107:3	discuss 5:16 65:18	<hr/> E <hr/>	exact 7:14 37:13 38:24 39:9 54:11	facts 18:2 100:18,23
dial 11:3 57:25 58:4, 6,13 71:21 74:1 75:8 77:17 87:11,25 88:1, 6,7,17,25 89:6,17 90:6,7, 91:8 92:7,16 93:2,11,23 94:2	displaced 82:6	e-mail 44:7 110:11, 12 111:7	EXAMINATION 4:5	fair 71:9
dialed 16:13 22:20 37:6 49:5 57:15 74:21 75:6,9 76:18, 20 77:5 81:25 103:22 108:15	disruptive 101:7	e-mails 111:15	Excel 34:23 60:5,8,9	false 77:6 89:2,3,7
dialer 9:5,6 19:4 21:5,13 22:3,5,7,14 23:5, 28:14 30:15,23 33:15 34:1 38:3	district 4:15, 64:16	ear 90:18	exceptional 21:6	familiar 7:16 10:8,9, 12 11:8,9 14:15,16 34:17 78:11 89:25
	Diversified 4:22,24 6:18 12:12,15,18,20 13:2,7 15:22 17:1,10 18:5,10,16,19 19:5, 11,13,22 20:4,14,19, 21 22:2,14 25:8,18 26:1 29:6,13 37:22 41:18 42:15 43:4,6, 24 44:22 45:2,14 46:23 51:15,18 52:1 54:10 55:2 57:25 58:5,12 59:17, 60:18 69:8,14 71:1 72:20, 24 86:13 87:3,7	early 76:3	exchange 110:13 111:8	familiarized 79:10
		Eastern 85:8	exchanges 110:22	family 66:2
		educated 14:11	exciting 21:6	fashion 58:1
		education 13:21 14:14	exclude 51:25 52:4	February 107:11
		efficiency 70:6	excluding 51:20 52:18	federal 4:15 7:18 41:4 101:22
		efficient 56:14	excuse 28:20 61:24	fee 26:3
		electronic 67:2 96:3		

feel 46:10	62:24 63:18 69:24	groups 71:14,15	history 9:6 10:21	importance 69:21
figure 41:19 45:17 55:5	70:15 73:20 74:22	guess 6:7 25:3 89:19	24:2,9 25:8 31:12	improper 17:16,17 18:1 23:8 41:3,8
file 26:25 27:4,6	77:8 78:7 83:5 86:20	guessing 10:16	36:23 37:5 38:3,4,7, 8,11 42:5,13,14,15	inaccurate 111:20
32:18 33:7,10,24	89:4,8 91:11,24	guesstimate 68:9 73:6	45:1,20 48:18 49:8, 11,20,21,24 50:1	Inaudible 62:20
34:7,9,12,13,14,23	92:21 98:14,21 99:6	guesstimation 73:10	90:23 99:8,11 106:8	inbound 29:19,22 30:2 32:13 35:12,13, 16,18,19 36:5 50:8, 9,10,14 51:7,21 52:8,9,11,13,15,17, 18 53:1
45:22 53:7,21 54:6,8	100:25 104:23 105:7	guidance 62:2	hits 57:14	Inc.'s 95:11
59:11 60:25 61:3,9, 10 62:6,8,16 63:12, 14 66:3,20,22,25	108:19 109:2	guys 26:7	hold 12:16 50:17 71:19	include 87:4
67:6,12,15,19,20,25	formal 14:13,18	<hr/> H <hr/>	holding 74:8 75:1	included 51:24 98:6 105:14
75:16,17 81:2,3,4,9, 14,16,24 82:18	formally 14:11	halfway 13:25	hole 74:15	including 9:7 26:2 43:20 96:16 103:25
83:10,11,13,18,19, 22,23 84:4 85:10,11 88:18	format 22:21,22 37:14 58:10	hand 74:8 75:1	home 59:23 60:25 61:7 66:2 97:14 102:8	Incorporated 69:9 93:19
filename 83:12	forward 112:12	hang 27:10 46:8 83:21	honest 90:22	incorrect 105:1
files 53:7 67:20,21 71:13,14,15,16,24	found 97:17	happen 6:23 28:16 64:11	honestly 39:5	individual 71:15
72:4,5,6 74:4 79:18	fourth 78:9	happened 43:8	hope 93:3	industry 108:9
80:22 82:5,6,10 83:3	free 46:10	happy 5:10,13,16 64:19,22 65:18 112:11	hosted 69:19 70:5,8	information 10:22 12:9 26:2 37:11,13, 21,25 38:5 40:4 43:20,22,23 59:21 65:8 80:12 82:14 87:13 98:5 103:24 104:20 105:2,17 110:24 111:19
84:6,8,11,19,24	front 42:3 98:11 106:9 108:24	harassing 100:8, 10,14 101:25 102:3	hour 63:4 64:7	informed 29:5
85:4, 97:12	FTP 67:5 76:4 77:20, 22 81:8	harassment 92:24 101:23	hours 76:21	initial 25:16
Finally 102:18	full 4:9 21:3	hard 33:24 63:16	house 83:1	initiating 65:16
find 25:19 54:1 64:8	full-time 63:3	hate 101:20	how-to 79:6	Innovis 25:19,25
fine 6:1 18:14 94:9 107:7 109:14	fully 6:8 83:11,14	head 6:11 18:18,22 94:7 102:17	html 20:7	input 62:1
finish 66:4	function 21:20	headed 31:17	human 14:7	inquiry 25:19 102:21,24
finished 101:13	functionality 21:6	heading 81:10	humming 6:11	installed 61:17
finishing 94:8	<hr/> G <hr/>	headings 31:14	hundred 67:18,23 72:9	instance 82:17
firm 107:2	gave 17:22,23 37:13 43:24 97:4,6	heard 99:20	hung 27:14,15	instructing 99:18
five-minute 18:23	geek 14:10	hears 57:15	<hr/> I <hr/>	instruction 40:12 41:8 100:3
fix 100:11	generate 93:8	held 13:13	IB 35:18	integrated 60:6 75:13
flew 33:19	generated 27:3 42:15,17	helped 97:23	ID 35:2,4 45:22	interact 15:9,10,15
flexibility 21:4	generates 34:23	hey 87:15	identification 7:5 11:15 20:2 23:19 30:18 42:2 44:11 49:16 68:23 94:18 107:8	
flip 21:3	gentleman 68:10, 16	high 20:1 21:7 69:22 70:10	identify 94:22 97:13 98:1 102:10 103:21 105:13	
flipping 83:8	give 6:7,9 10:17 19:24 37:12 47:11 66:18 77:9	highest 13:21	IDS 79:11	
Florida 19:17, 33:19 64:1	God 79:8	hired 107:2 109:19	imagine 33:4 60:8, 23 87:24	
folder 84:20	good 4:7,8 54:24 55:2 56:14 102:5			
folks 51:10 55:4	Gordon 68:16 93:21 106:22 111:11			
follow 40:24	ground 6:4			
forcing 101:20				
form 11:10 16:17,20 17:4,8,13,16 18:1,7 22:16,18 23:6,8 32:3 38:14 39:8 40:9 58:8				

interacted 15:6,17	January 28:19 96:7	left 66:2	literally 93:12	looked 36:24 78:3
interested 17:24	job 13:17 16:1,4,7 63:3 78:2 87:19 110:7	left-hand 20:18	litigation 37:9 44:14 48:5	lot 68:3,6 94:14
interfaces 14:13		legal 15:11,12	live 37:1 60:7 62:18 63:1,25 77:4	low-average 70:11
internal 14:21	jobs 12:16 13:13,20	Lemberg 4:6,12 5:7,12,20,23 6:3 7:2, 6 11:11,16 16:22 17:6,9,14,17,20,23 18:3,4,9 19:1,3,21 20:3,9 22:23 23:7, 11,12,20,22 24:1,4 30:9,16,19,22 32:6 33:12 34:6 38:17 39:10 40:11,16,21, 23 41:2,10,16 42:3,6 43:13 44:10,12 46:11,14 48:11,14 49:10,15,17 55:8 58:11,16,19,22 59:3, 8,16 60:21,22 63:8, 24 64:13,21 65:4,10, 20,25 66:10,17 68:13,15,19,22,24 70:3,17 72:16,18 73:23 74:24 77:18 78:10,12,19 83:7 84:15 85:6,9 86:23 89:5,12 91:13 92:2, 25 94:6,11,13,16,19 95:7,9,15,17 98:18 99:1,7,18,22,25 100:4,10,16 101:6, 13,14,19 102:7,9 103:11,16 105:4,11 106:13,17 107:4,7,9, 16,19,23 108:22 109:5,13,16 111:15, 18,22,24 112:2,6	lives 57:8	lowest 110:9
Internet 21:23 67:9, 13	John 91:16		Livevox 15:1,3,7,15 16:2,5,8 21:5,12,25 22:1,3,17,20,21,22, 24 23:1,5, 26:14,16, 19,25 27:9,13,21 28:5,9 29:23 30:1,3 31:4,6,19 35:11 37:10,16 38:12,18 40:6,15 41:6,11,18 50:7 51:6,9,12,16, 19,23 52:2,5,7,19,21 53:4,21 55:11,15,17, 21 56:2,21,22,24 57:5,6,7,18,21,24 58:13 59:7,18,21 60:7,17 61:11,12 62:9,11,17 65:3,7,8, 9 66:22,25 67:13 70:5,8 72:20,24 73:3 74:4,6,19,25 77:5, 14,16 79:3,4,5,6,7, 14,19 80:12,21 82:9 83:4,17 84:24 86:18 87:8,11,15 88:14,22 89:9,17 90:9,13 91:21 93:17,20,22, 23 96:19,24 104:7, 18 105:5,8 108:7,8, 25 109:6,8	M
interpreted 49:25	joint 64:14			machine 57:16
interrogatories 94:25 95:12,23 103:17	joke 54:17			made 25:18 26:16 27:9,12 28:9,14 29:17 33:6 35:9 37:16 38:9 51:12,18, 22,23 52:7,19,21 53:3 56:8 57:4,17 61:20 62:15,17 63:13 85:20 87:8 89:14 104:4,6
interrogatory 96:12 98:8 100:17 101:16 103:12,19,24 104:21 105:12,23 107:18	judge 64:16 65:22, 23 66:8			magistrate 64:14
interrupt 5:18 65:6	judges 66:15			main 19:9 55:21 56:19 97:10
interrupting 40:22	July 25:3,10,17,22 26:12 34:11	K		major 16:25
interview 69:11	jump 77:10			make 11:3 21:14,17 22:3,5,10 23:1 28:14 29:13 33:18 34:4,5 48:11 51:5,6 54:4,5, 15,19 55:18,22 56:5 57:1 59:12 64:14 65:17 70:11,20,23 71:3,5,8,12 72:11, 13, 73:15,21 108:14 110:7 111:11
invitation 99:23	key 57:22			makes 22:24 52:1 55:16 57:8,21 62:12 71:1
invoking 65:16	keypad 57:14			making 5:8,13,16 31:19 56:22 73:25
IP 70:9	kind 21:23			Malla 15:13
issue 16:14 19:4 28:19,21,24 33:12, 13,16 40:20 41:18, 22 64:15 110:23	knowledge 12:6,7 15:21 41:24 96:10 99:13			manage 16:1
issues 5:10 16:12, 24,25 112:12	knowledgeable 33:14,20 41:22 59:3, 5,6,9 64:19 65:10,13			management 13:6 14:2 20:22 56:10
J	Kohn 95:3			manager 12:20 83:10
	L			manner 102:18
Jack 5:7 16:19 17:25 24:1 33:12 58:16 59:9 60:21 64:13,22 68:13 94:8, 11 99:19 100:11 101:6,19 112:2	language 14:7	length 35:25 103:21	load 72:12,14	manual 11:6 15:2,3 50:13,15,20 51:7,20 58:23 78:3 79:4,5, 10,13,17 80:21,22 81:12 90:4 92:15
Jacksonville 19:17, 18 31:21,23 64:1	large 39:25 40:3 71:10,13,14 72:2,7	level 13:21 59:1 69:22	loaded 22:12 26:14 37:7 73:2 84:6,7	manuals 9:13,16,17 11:2 15:24 51:22
Jamie 4:14 22:11 24:25 33:5 58:14 59:20 60:11,24 61:17,21 62:2, 63:12,25 65:7,10,11 66:19 71:9 74:20 78:1 81:22 87:13,15, 21,24 88:6 93:21 102:14 112:7	Latitude 21:6,7 42:18 60:5,7 63:5,21 97:16,24	library 82:16	loan 43:2	
Jacksonville 19:17, 18 31:21,23 64:1	law 91:15 111:5	life 82:1,6	located 19:16 21:19	
Jamie 4:14 22:11 24:25 33:5 58:14 59:20 60:11,24 61:17,21 62:2, 63:12,25 65:7,10,11 66:19 71:9 74:20 78:1 81:22 87:13,15, 21,24 88:6 93:21 102:14 112:7	lawsuit 24:15	likewise 11:25	location 26:2 43:23	
Jamie's 54:17 63:2 65:24 87:19	leading 108:8	limit 80:17	log 31:3,11 52:23,25	
	leads 111:4	limited 105:15	logic 97:23	
	learning 15:23 79:11	link 80:1	logo 20:18,19 110:23	
	leave 85:17 112:6	liquidating 69:22	logs 8:24 29:23 60:25 90:24	
	leaving 85:16 101:12	list 31:6 51:20 79:21 86:22	long 12:14,22 36:9 76:2	
		listed 7:19 8:22 24:16 90:25	longer 12:17 13:13	

manufacturer 96:14	mentioned 106:18 109:17,25	59:11	numbers 8:4 16:13 18:11 22:15,16,19 25:20 26:2,20 33:8 45:13 46:18 57:25 58:1,3,6,13 59:19 61:3,15 62:5,18 66:15 67:23,24 68:7 71:11,16,17,18,22, 24 72:3,7,12,14,19, 23 74:2,3,18 75:3,4, 5,8,12 77:4,24 80:12 81:5,25 86:22 87:12, 16,22 88:1,17 91:9, 15,18 92:8 93:3,5,9, 11,12,24 94:1,3,5 97:6,12 112:9	78:7 83:5 84:14 86:20 89:4,8 91:11, 24 98:21 99:6,16 100:25 101:17 104:23 105:7 108:19 109:2
March 43:7 50:11, 13,14 52:8,9,11	message 85:16 87:18	naming 53:24 54:6		obtain 80:24 97:1
mark 7:2 15:13,14 30:16 42:1 49:10 68:19 78:12 97:13 98:1 103:11,14 107:4,5,20	messages 85:17	national 86:11,14, 24		obtained 13:22 102:20 105:16,18 106:10,14
marked 7:5 11:12, 15 20:2,3 23:19,21 30:18 42:2,4 44:11, 14 49:16 68:23 78:18,20 94:18 98:10 107:8,19	messaging 87:4	necessarily 83:22		obtaining 8:3 14:1 96:25
Massachusetts 4:16	methodology 65:15 112:8	Nicholas 42:13,23 44:15 95:5,8		off-site 21:22
master 34:9	mind 104:20	night 97:12	numerous 15:10 110:15,21,22	off-the-record 68:14 112:1,5
match 97:25	million 72:13 73:8 74:1	nonresponsive 72:17	O	office 33:21
matches 97:12	millions 70:11,21, 23 71:1,4,5,8 72:11 73:14,15,22,25	notation 29:25 48:21		older 82:5
matching 97:23	mini 112:15	note 28:19		one's 32:11
math 14:7	Minus 52:8,9	notes 8:25 29:1 30:15, 42:23 44:3 49:4 55:13 90:21,23 105:20		OO 109:21
matter 54:8	minute 63:4	notice 7:3 8:21 11:13,18,20,25	O'connor 5:5,8,15, 21,24 6:2,25 11:10 16:17,20 17:4,8,13, 16,18,22 18:1,7,25 22:18 23:6,8,25 30:21,25 34:3 38:14 39:8 40:9,13,18,22 41:2,13 55:6 58:8, 17,20 59:2,5,12 60:19 62:20,22,24 63:18 64:11,18 65:2, 6,18,23 66:4 69:24 70:15 73:20 74:22 77:8 78:7,15,17 83:5 84:14 86:20 89:4,8 91:11,16,24 92:21 94:9,12 95:6, 98:14, 21 99:6,16,20 100:3, 8,13,25 101:11,17 102:3 104:23 105:7 107:14,17,21 108:19 109:2,12 111:23 112:4,10	open 112:6
matters 7:19	minutes 36:25 76:21 83:12 94:8	noting 28:20		operates 55:15
Mavis 4:13 5:21 7:3 17:2 18:6,20 24:13 40:10,18 42:13 43:1 44:15,25 45:13 47:8 60:20 62:25 64:14 69:25 86:17 90:20 95:5,7,8,16 98:11 99:17 100:3,24 101:18 103:13,14,18 104:25 107:19	missing 15:20 46:3, 4	November 29:4,12 30:5 36:14,19		operating 70:13 112:8
Mavis' 42:23 43:5 46:19 47:5 48:9, 98:12	Mobility 42:5	number 7:22 8:9 9:2,7,24 11:19 16:16 17:11 18:6,17,20 24:15,17,20,24,25 25:4 26:10,13,20,21 27:8,12,20,25 28:4, 9,10 29:2,3,5,7,9,10, 11,14,15,17 30:4,6, 11,12,14 31:7 32:18 33:8 35:3,9,19,25 36:2,3 37:6 40:3 43:1,19,20,25 44:3, 16,17 45:3,5,18,19, 21,22,24,25 46:2,18, 23 47:9,15,18 48:22, 24 49:1,3,5,12 51:18,19 57:13 63:23 67:16 71:10, 11,13,23 72:2,7 73:16,19 78:15 80:3 86:15 87:18 90:6,8, 96:12,14,25 97:1,3, 4,14 98:2,13,19 99:5,15 100:2,17 101:16 102:10,11, 18,19 104:22 105:12,14,18,23,24, 25 106:1,2,6,11,14		operation 10:9 14:19,22,25 16:5
Mavis-ann 4:1,11 95:3	model 96:14		O'connor's 40:24	operations 61:24
meaning 21:22 53:24 97:15	monitor 13:5		oath 4:4 6:19,21	operator 35:20
means 22:9 23:15 31:14 53:11 54:16, 17,18,24 71:3 80:10, 11,20 82:13 84:10, 23	month 54:1,4		Object 11:10 98:14	operators 8:6
meant 40:2 54:13	morning 4:7,8 59:21, 60:24 61:18 75:19,20		objected 16:20	opportunity 99:14 100:1
medications 6:13	mother 13:11		objection 6:25 16:17 17:4,7,13,15, 21 18:7 22:18 23:6 32:3 39:8 40:9 41:3 58:8 60:19 62:24 63:18 69:24 70:15 73:20 74:22 77:8	option 80:11 89:22
memoranda 8:25	motivated 21:8			order 46:8,9 57:24 71:8,21 72:11 73:15
	motto 20:22			ordinary 42:19
	move 40:20 55:7 72:16 92:24 99:21, 23 100:9,14 101:21 102:6,7			Oregon 19:17,20
	moving 81:6			original 101:2
	multiple 55:24 67:21 102:4			originally 47:21
	N			out- 50:10
	named 34:14 53:19 54:8 55:1,5 112:7	numbered 12:2		outbound 22:3 29:20,22 30:2 32:13 50:6 51:7 52:19 57:2 109:7
	names 15:14 53:7			outcome 35:5,6
				outgoing 65:17

outgrows 82:20	23:1 24:15,17,20,24, 25 25:4,20 26:2,10, 13 27:9,12,14,15,20, 25 28:4,9,13 29:1, 14,17,21 31:15 35:8 37:15 38:1,8 44:16, 17 45:3,5,24 46:23 54:4,5 56:22,24 57:2,8,9,15 58:1, 61:3 62:5,12,17,18 66:14 68:12 70:11, 21 71:1,4,6,8,11,12, 16,17,23,24 72:3,7, 11,13 73:15,21,22, 25 74:1, 75:3,4,5,8, 20 77:1 80:12 86:15 87:8 88:17,18 89:14 97:3,4,12,13 102:11, 19 105:24 106:3 109:7 110:10	portions 106:24,25	procedures 8:2	pulls 77:16
over/under 73:11		position 12:12 41:21 93:7 102:10 110:16,17 112:13	proceed 41:19	punch 93:3
oversee 16:4			proceeded 25:12 26:19	punches 57:13
ownership 22:11		possess 21:8	process 67:2,3 69:20 81:11 97:7,9	punching 57:22
<hr/> P <hr/>		possession 105:14	processed 83:11, 13,14	purchase 26:2
p.m. 27:15 29:18 37:6 85:7 87:17 112:18		possibility 106:4	processes 40:5	purchased 97:17
PA 80:3,4,5,20 81:10 83:8 84:18 88:10		possibly 102:14	processing 83:24	purposes 55:20
Pagan 24:2,11 25:9, 26:20		practices 8:3	produce 7:18 8:22 12:1 33:20 38:2 66:8	pursuit 14:3
pages 46:3,17		pre-collection 21:1	produced 4:2 9:3, 10,14,20 10:2 12:3, 10 24:12,14 25:2 37:9 38:3 44:14,19 46:6,7 48:5 64:18 79:1 98:7 106:9	put 79:14 91:20 110:8
pagination 46:13		preassigned 82:2		putting 72:9 110:8
paid 66:1	phones 86:11,14, 19,25	predetermine 22:9	product 96:19 97:11	Pye 4:1,7,11 42:7 95:3
pair 82:20	phonetic 15:13 110:24	predetermined 23:15,16	production 78:24 85:7 106:16	<hr/> Q <hr/>
panel 106:3		predictive 21:5,12 22:3,5,7,13 23:4,5, 14,15 103:23 104:5, 7,8,18 105:5,10 108:8 111:1	program 34:22 38:23,25 39:1 43:15 58:14,15 59:25 60:3 97:25	QC 50:18,21,24 51:8
part 27:19 79:20 110:7 111:2	picked 31:16	Predictively 108:15	programmer 97:24	qualify 12:7
partially 105:1	picks 31:20 57:9,16	prefer 64:17	programming 14:12	quality 12:25 13:4 21:7
partners 108:7	piece 11:17	premise-based 70:13	programs 40:3 59:20	question 5:19 16:21 17:25 23:13 40:17, 19 41:7,9 47:12 53:5 55:6 59:2 74:7,10 86:6 88:13 93:1 96:13,25 98:8 99:21, 24 100:5,7,22 101:5 102:4 103:21 105:22 107:14 109:4
party 27:15	plaintiff 98:7 105:15,17	preparation 41:24	proper 99:20	question's 18:1 23:8
PDF 37:13	plaintiff's 42:2 95:11 103:22 105:14	prepare 10:20,24	properly 97:13	questions 6:6 19:5 20:11 34:1 58:25 59:13 60:17 64:9,20 69:3 92:22 96:11 101:24
penalties 96:2,3	plaintiffs 4:3,13 16:15	prepared 33:15	propose 102:11	quick 47:11 50:25 51:1,3,7 66:14 94:6
pending 4:15	plaintiffs' 7:2,5 11:12,15 16:13 20:2, 3 23:19,21 24:1,5 30:17,18 31:1,9,10 42:4, 44:10,11,14 45:25 46:12,22 47:7 48:19 49:11,13,15, 16 53:5 68:20,22,23, 25 78:18,21 94:14, 18 95:10,13,15 107:8	president 12:13 61:24,25	protocol 67:6	quickly 11:18 76:4,5
penultimate 95:19		preview 89:25 90:3, 21	provide 5:4,5 6:6	<hr/> R <hr/>
people 15:10,24 19:22 93:9	platforms 69:21	previous 38:10 83:11	provided 10:22 26:9 46:23 47:1,9 94:3,5 95:24 98:23 99:3,4 103:20	ran 90:15 102:24
percent 10:18 60:8 77:12,13	Playing 15:23	previously 83:19	provider 25:25 26:4 108:8	random 91:9 92:7,9 93:5
period 12:17 76:20	point 58:22 79:17 84:18	price 56:19	providing 16:16	randomly 93:2,3,8, 11,24
perjury 96:2,3	pointed 81:2	printout 20:4,7,14 104:15 107:11 108:2	pull 38:6	
person 7:18,23 8:1, 8,12,15,18 11:22 14:10 33:25 35:19 36:2,22 37:1 64:25 85:16 97:2,4	policies 8:2	prior 11:20 12:16 13:7,19 42:14 49:5 97:4 104:1	pulling 75:10	
person's 97:1	pops 90:12	privilege 101:24		
personal 4:21 40:2		privileged 41:5 101:25		
personally 101:8		procedure 5:19 88:15,16		
phone 18:6,17,20 21:14,16 22:3,5,24				

ranges 79:12	referenced 100:21	representative 6:17 31:23 32:21 36:16,18,23	Rosalee 24:2,11 25:9, 26:20	69:19,23 70:4,25 108:12
reach 32:16	referred 38:19	request 5:14,16 48:11 78:24 111:15	roughly 20:1 61:6	September 36:7
read 58:23 80:6 81:13 83:21 95:25 103:19 107:24 108:6 112:4	referring 108:24,25 109:6,8	requested 31:7 37:11 43:10,11,19, 22 110:20	round 111:17	sequential 91:9 92:8,9
reading 23:10 26:23 27:17 112:3,17	reflect 46:11,12 55:2 74:7 95:9	required 60:16	routed 31:15,20,22	sequentially 88:20, 21,25 89:6,10,18 92:16,17
reads 21:4	reflected 28:21	requires 33:14	row 35:8 50:6	Sergei 4:12 5:10,18 17:19 23:10 30:21 40:14,20 41:14 55:7 58:21 59:13 64:12 65:3,19 66:9 77:8 92:22 100:8 102:3
ready 20:11,12 23:24 24:3 46:15,16 49:18,19 69:5 76:9 77:17 80:7 94:11,12, 20,21	reflecting 9:1,6 29:25	requisite 41:24	rows 35:8	serial 96:14
real 47:11	reflects 35:8 47:5 50:6 85:3 98:12	reserve 41:16	RPC 50:21 51:7	served 103:17
realistic 73:19	regularly 97:18	reside 80:14 84:24	Rule 7:18 33:13	server 38:12 39:2,4, 22 40:3,4, 41:8, 61:12 62:8,18 63:2, 10 84:11
reason 55:21 60:14 70:1 91:10 92:11	related 79:25 103:24	residing 84:11	rules 6:5 41:4 101:22	servers 39:25
reasons 55:23 101:22	relations 44:8	resolve 66:6	run 39:1,6,14,15,17 40:2,8 61:22 62:3,8 76:12 79:6,7 102:22	service 13:20 26:4 43:10,12 97:8
recall 7:14	relationship 34:19	resource 14:7	running 61:19	services 21:1
receive 8:4	rely 100:19	resources 21:8	runs 22:1 39:12,13, 19 40:4 41:8,11 58:14	set 11:19 61:17 94:24 95:11 102:18
received 25:8 43:6 51:14 86:18 105:15	remember 18:18,22 97:21 104:13	respect 11:2 18:15 108:23	<hr/> S <hr/>	sets 107:17
recent 110:25 111:17	removal 49:6	respectful 34:3	sanctions 41:17 101:21 102:8	settings 61:17
recess 19:2 66:16 94:10 109:15	remove 29:11	respond 111:13	Sat 110:24	shaking 6:11
recipient 27:20,25 28:4 29:1	removed 29:10 30:4,6,12,14 48:23 49:1	responding 4:3	save 82:21 83:14	she'd 100:11 102:1
recognize 34:18 90:24,25	reorder 46:10	response 94:24 95:1	saved 77:14,15,19	shelf 82:1,6
record 4:10 5:9,11 34:5 37:15 46:11,21 55:22 56:8 59:12 65:19,21 74:7 94:23 95:9 108:6	reordered 46:12,17	responses 78:23, 25 95:22 103:12	science 14:8,11	shoes 82:20
recorded 56:6,7	repeat 47:12 92:4 99:23 109:3	responsibility 16:1,4,7	screen 84:20 85:3,7	shot 66:18
recording 31:3 90:23	repeated 17:23	rest 34:13 52:18	scrubbing 97:7,9	show 11:11 20:7 23:20 27:24 32:25 35:16 37:5 78:3 100:23
records 28:21 42:19 98:7,11,12	rephrase 17:7 45:16	result 27:9 105:16	searches 76:13 102:22	showed 92:9,15
recur 86:6	report 10:7 33:23	retain 80:22,24 82:13,14	searching 105:16	shows 46:22 47:8 99:2,4
redemption 41:17	reported 82:4	review 11:2,6 20:10 23:23 45:12 47:11	seconds 36:1,9	sic 18:11
refer 91:16	reporter 5:25 6:1,12 19:18 30:7 43:11 49:13 62:22 68:21 78:14,16 94:15 95:13 107:5	reviewed 10:21 14:24 15:1,4 69:17 110:4	section 69:1,16,17 79:18,24 80:6,9	side 75:11
reference 9:13,16	reporting 13:5	reviewing 96:4	seek 41:17	sign 112:4
	reports 9:5,22 10:1, 3,5,13 12:4 80:17,19	rights 41:17	seeks 103:24	signature 95:2,20 96:2,3
	represent 4:12	ring 57:15	select 81:16	
	representations 5:9	rings 68:12	selects 58:1	
		risk 13:5 20:22 110:9	seminars 14:21	
			send 59:7 65:8	
			sentence 21:4	

signed 47:21 103:20	Sprint 35:18	supplement 101:15 102:2	teasing 53:16	61:6,16 62:11,16,17 63:5,22 75:24 76:20 78:4,9 79:12 81:13 85:8,18,20 87:10 103:21 106:5
significantly 58:23	squared 95:18	supplemental 78:23,25	technical 40:1 64:24 75:11	times 4:19 31:8 33:1 41:15 49:5 92:23 102:5 108:20
signing 112:3,17	stand 34:11 50:24	suppose 76:17	technological 69:21	tnums 34:9
similar 9:23 12:4 43:18 90:4	standard 85:8 88:14,16,22 89:3,6, 9,11	supposed 63:22 76:16	technology 65:3,8 69:2,16	today 6:16,19 41:25 64:2,4,12 85:2,8 94:14 96:9 101:8 106:7,9
simply 28:10	start 25:15 32:25 56:4 58:19 75:20,23 80:4 86:5	sworn 4:2	telecom 69:22 70:10	today's 85:4
sir 78:16	starts 76:8 79:24,25	system 9:12,13,16 10:10 11:3,8 15:21 16:2,5,8,14,16 18:21 21:7,14,16,19 22:10 26:15,19,24 27:4,13, 22 28:6,9 30:1 31:4, 19 35:11 37:6,10,16, 21 38:2 41:11 42:18 50:7 51:4,9,19 55:11,15,17, 57:21, 25 59:4,18 60:17 65:12,17 70:13 72:12,15 73:18 75:25 77:5,16,19,23 79:15,19 80:12,13 81:5,6,17,19,25 82:9,13 83:4,18 84:1,10,24 85:1 86:18 87:8,21 88:2, 6,7,23 89:17 90:10 91:21 93:7 96:16,18 109:6 112:9	telephone 7:22 9:2, 7,23 11:4 14:25 17:11 65:16 96:15, 18 97:1	told 24:23,24 29:2,7, 9,14 48:19 53:25 60:16 61:23 66:10 67:5 91:2 93:23 110:4
sit 74:20 106:7	state 4:9 100:18		telephones 8:5	top 18:18,22 102:17
site 19:6,8,10 20:5, 14 77:20,22 104:16 105:2,9 106:18,24 107:12 108:3 109:17,19,25 110:14 111:12,16	statement 44:15,19 45:2,19 46:1		telling 55:4 60:10 62:2 64:23	topic 7:24 8:9,11,13, 16 9:22 18:15 55:7 92:22,24 100:15 102:6 111:7
sits 63:15,19,20 81:24	States 4:15		tells 27:19 58:6 79:14	topics 8:19,22 11:19,23 80:1
sitting 76:25	stating 98:24		ten 68:7	total 19:23
size 21:10	stay 65:20 94:16 101:9,11		term 10:8 34:17 89:25	touched 19:4
skill 32:7,8 50:23 91:1	stay-at-home 13:11		terminated 104:1	town 64:5
skip 26:4 43:15 69:20 102:22 103:1 106:5	step-by-step 81:14		terminology 21:24 33:5 38:24 48:1 104:9	trace 26:4 43:15 69:20 106:5
slash 95:3	steps 97:2		test 34:10	tracing 102:22 103:1
small 39:18	stop 100:8,14 102:3		testified 4:4 5:12 37:1 41:13 101:1	track 56:12
software 38:23 42:18 60:7 96:16,23 97:17,19,24 109:8	store 74:11,14 75:4, 5,9 76:1 80:11 91:15,22,25		testify 7:18,23 8:2,9, 12,15,18 11:23 40:14 41:25 65:15 66:11	training 21:7
Software's 21:6	stored 38:11,16 63:5	systems 14:19,22, 25 75:13 87:1 96:15	testimony 6:14 66:6	transcripts 5:1
solution 69:20 70:5, 8	stores 37:21 40:4 77:23	T	text 34:23 64:10	transfer 67:6
solutions 108:9	storing 91:18 92:1	T-mobile 35:17	thing 15:25 23:9 43:8 83:3,20 84:25 90:5 92:14	transferred 35:20 57:10 63:6
sort 22:16 57:22	strategies 87:5	T-mobile/sprint 32:11,12	things 27:17 92:1 97:8	transmit 66:25
speak 36:4 106:14	strategy 86:1,8 89:14	table 45:11	thinking 92:5	transmits 66:22 67:12
speaking 38:18	strike 26:12 47:6 48:20 55:15 72:16	takes 76:2	thousands 72:10	Transunion 43:10, 12,14,24 47:1,10 103:3,9
specific 31:7 34:12 61:18 65:2,7 68:9 111:17	stuff 5:11	taking 81:6,8 93:12	ticket 66:1	trial 102:12,13
specifically 48:10 69:1	subjected 97:7	talk 5:10 38:18 41:6 55:11 59:4 60:23 66:6 112:11	time 7:12 15:17 33:24 35:25 36:16, 17 47:13 48:19 50:9 54:20,24 55:2 56:10	trouble 58:25
specification 89:1	submitted 65:11	talked 49:21		
spoke 10:22 29:4 36:9,15,17,22	subpoena 59:7 65:9	talking 24:18 51:8 58:20 69:13 79:23		
spreadsheet 22:16 58:7	suggesting 111:19	talks 82:3		
	Sullivan 102:14 112:7	Tanya 112:14		
	summary 30:22	tease 53:14		

troubleshoot 16:8	upstairs 62:2	witnesses 102:11
true 6:8 36:3 77:5 84:16 89:1,7 96:5,9 104:5,22 105:23	URL 20:5	word 23:4,14 31:22, 25 35:1 53:7, 54:12, 19,22
truth 6:22,24	usable 82:15	worded 88:21
ts 34:10	user 26:24 83:11	wording 110:5,6
Tualatin 19:17,20	utilizing 52:21	words 21:12,21 22:7 23:5 34:15 50:24 53:10 81:1,2
turn 84:3 85:10	utmost 69:21	
Turning 84:18	<hr/> V <hr/>	work 16:8 17:18 26:24 66:1 76:23 97:22
type 34:12,13	vacation 64:3 65:24,25 66:9,13	worked 13:7,15 32:21 63:4
typed 37:10	values 34:15,20	working 13:10 27:4, 6
typing 90:8	vendor 43:16	workings 14:17
<hr/> U <hr/>	verbiage 111:1,9	works 11:8 22:14 40:13 75:7 81:11 90:10,14
Uh-huh 49:2 54:12 62:7 75:14	verify 49:9	wrap 59:14
unable 29:16,19 30:13	versed 58:24	write 95:22 106:23 107:1
underscore 34:10, 11 35:18	versus 95:16 97:14	written 109:18
understand 5:15 16:11 37:24 54:22 56:21 66:9 108:12	vice 12:13 61:24	wrong 17:24 22:14 29:5, 60:9 77:13 91:3
understanding 22:13 55:14,16 75:15 83:6	violating 111:5	wrote 105:9 106:25 107:1
unhappy 64:23	vital 69:20	www.dccollect. com. 19:9
United 4:15	voice 70:9 85:16	<hr/> Y <hr/>
updated 97:18	Voip 70:6	year 12:17 13:14
upload 33:5 34:14 59:20 71:13 75:16, 17 76:2 79:18 81:1, 3,14,19	volume 70:10	years 12:23 13:8,12, 18
uploaded 22:17,20 37:22 53:21 61:11, 12 62:16 63:2,23 68:8 74:4,19 76:7, 10,16,17 83:19,23 84:19,24 85:11,13	VP 44:7	yesterday 64:6 72:25
uploading 79:23,24 80:1 81:4,5,10 83:9 84:1 112:9	<hr/> W <hr/>	you,' 83:13
uploads 62:8 63:3, 12,14 66:19 76:1,4,5 84:20 87:25	waiting 77:1	<hr/> Z <hr/>
upper 20:18	waive 112:2,17	zone 75:24
	wakes 60:24	
	ways 90:16	
	wear 82:24	
	Web 19:6,8,10 20:5, 14 104:16 105:2,9 106:18,24 107:12 108:2 109:17,19,25 110:14 111:12,16	
	week 15:19	
	whim 88:1	
	window 92:14	
	wireless 8:4 44:15 45:1	